

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Crl.R.C.No.45 of 2017

Dr.T.Manoharan

... Petitioner

Vs.

1.Sheela

2.Minor Maneesh

rep.by his mother and guardian,
the first respondent herein.

3.Seema

... Respondents

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed in M.C.No.32 of 2014 dated 06.10.2016 on the file of the Chief Judicial Magistrate Court, Nagapattinam.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mr.S.Giritharan

ORDER

The petitioner herein is the husband and the first respondent herein is the wife. The case of the respondent before the Trial Court is that the petitioner had harassed and ill treated her and their children and he was having illegal intimacy with a girl. Hence, the first respondent and the children are living in the parental home of the first respondent. With this background, the respondents filed a petition for maintenance before the Trial Court claiming a sum of Rs.50,000/- per month as maintenance for the first respondent and a sum of Rs.50,000/- per month as maintenance for the children. Considering the materials available on record, the Trial Court ordered the petitioner herein to pay a monthly maintenance of Rs.6,500/- to the first respondent, a sum of Rs.5,500/- to the second respondent and a sum of Rs.7,000/- towards house rent and Rs.1,000/- towards miscellaneous

expenses, totalling to Rs.20,000/- per month as maintenance to be paid on or before 7th of every month. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that the petitioner herein filed H.M.O.P.No.18 of 2006 for restitution of conjugal rights on the file of the Sub-Court, Mannarkudi in which an order was passed directing the first respondent to reunite with the petitioner, but the Trial Court has not considered the said order while ordering maintenance. It is also stated that the monthly maintenance of Rs.20,000/- fixed by the Trial Court is abnormal, considering the income of the petitioner. Stating so, the learned counsel prayed for quashing the impugned order.

3.The learned counsel for the respondents has submitted that the Trial Court has considered the materials on record in a proper perspective and has ordered the maintenance amounts and hence the same does not require any interference.

4.Heard both sides and perused the papers.

5.This Criminal Revision was admitted on 13.09.2017. It is also seen that interim stay has been granted on 11.01.2017, till 25.01.2017. On 28.06.2017, this Court passed an order directing the petitioner to pay 50% of the arrears of maintenance amount on or before 12.07.2017 and in the event of default, interim order would stand vacated. But it is reported that the said interim order has not been complied with by the petitioner and the matter has been kept pending till this date. The petitioner has not taken any steps to proceed along with the case. Further, taking note of the facts and circumstances of the case, the maintenance amounts fixed by the Trial Court, seems to be very reasonable.

6.In view of the above stated circumstances, the Criminal Revision Case is dismissed. It is open to the respondents to proceed against the petitioner for recovery of the maintenance amounts.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1.The Chief Judicial Magistrate,
Nagapattinam.

copy to

The Section Officer
Criminal Section
High Court Madras

+1 cc to M/s.M.Thamizhavel Advocate sr5860

+1 cc to M/s.Giridharan Advocate sr 5482

Cr1.R.C.No.45 of 2017

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