

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Cr1.R.C.No.481 of 2017
and
Cr1.M.P.No.5066 of 2017

M.Sakthivel

... Petitioner

Vs.

1.Vijayalakshmi
2.Minor Sashtika
3.Minor Withik

(Respondents 2 and 3 rep.by
their mother and next friend
Vijayalakshmi, the first respondent
herein).

... 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.21 of 2015 dated 31.01.2017 on the file of the Chief Judicial Magistrate, Krishnagiri.

For Petitioner : Mr.P.Kalimuthu

For Respondents : Mr.V.M.Venkatraman

O R D E R

The petitioner herein is the husband and the first respondent herein is the wife. Due to a matrimonial dispute between them, they got separated. The first respondent filed a petition for maintenance before the Trial Court, claiming a sum of Rs.45,000/- per month for her and the children. Considering the materials available on record, the Trial Court ordered the petitioner herein to pay a monthly maintenance of Rs.15,000/- (Rs.5,000/- towards each of the respondents) to be paid from the date of petition for maintenance. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that the maintenance case has been filed by the first respondent only for the purpose of harassing the petitioner. It is further submitted that the petitioner borrowed money from the Finance Companies since the respondent spent money lavishly for her own use and hence the petitioner is not able to give any maintenance to the respondent. It is also submitted that the respondent is having capacity to maintain herself. 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 amount and hence the same does not require any interference.

4.Heard both sides and perused the papers.

5.While ordering notice in this Criminal Revision on 10.04.2017, interim stay was granted on condition to deposit 50% of the arrears of maintenance amount before the Trial Court. 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 amount fixed by the Trial Court, seems to be very reasonable.

6.In view of the above stated circumstances, the Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed. It is open to the respondents to proceed against the petitioner for recovery of the maintenance amount.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate, Krishnagiri.

Akm/26.02.2020/2p-2c/

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