

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1335 of 2018

and

Crl.M.P.No.15689 of 2018

R.Teekaraman

... Petitioner

Vs.

1.Ammu @ Ambika

2.Minor T.Kavaya

3.Minor T.Priyadharshini

(Respondents 2 & 3 are rep. by
mother and natural guardian)

... Respondents

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 13.04.2018 passed by the Family Court, Vellore, Vellore District in F.C.M.C.No.42 of 2016.

For Petitioner : Mr.M.Sathis Kumar

For Respondents : Mr.M.Duraimurugan

ORDER

The order dated 13.04.2018 passed by the learned Judge, Family Court, Vellore, in F.C.M.C.No.42 of 2016, fixing the monthly maintenance at Rs.4,000/- per month in favour of the first respondent/ wife and Rs.2,500/- each to the respondents 2 and 3/children, is under challenge, at the instance of the petitioner / husband, by way of the present Criminal Revision Case.

2.The learned counsel for the petitioner/husband submitted that the petitioner is always ready and willing to live with the respondents and he had filed a petition in HMOP.No.101 of 2015 before the Sub Court, Vellore for restitution of conjugal rights, whereas the first respondent/wife without contesting the same, has filed the maintenance case. The learned counsel further submitted that the petitioner is getting a meagre sum of Rs.300/- per day by doing carpenter work, which is not a permanent one. Without considering the nature of the avocation, the Family Court directed him to pay a sum of Rs.9,000/- towards monthly maintenance to the respondents, which is excessive and

exorbitant and hence, the same has to be reduced.

3. On the other hand, the learned counsel for the respondents submitted that the Family Court, after analysing the materials available on record, has rightly awarded the monthly maintenance to the tune of Rs.9,000/- (i.e., Rs.4,000/- to the first respondent and Rs.2,500/- each to the respondents 2 and 3) and hence, the same does not call for any interference by this Court.

4. Heard the rival submissions and perused the materials placed before this Court.

5. Though this Criminal revision was admitted on 22.01.2019, no interim order was granted by this Court. It is reported by the learned counsel for the parties that the petitioner/husband has not complied with the order passed by the Family Court, Vellore.

6. The object of Section 125 Cr.P.C is to compel a man to perform the moral obligation, which he owes to the society in respect of his wife, children, father and mother, who are unable to maintain themselves. As such, the petitioner /husband is bound to pay the maintenance to the respondents and he cannot wriggle out of the said responsibility, stating that he is only a carpenter, which is not a permanent job.

7. The Family Court, after hearing both sides and upon perusal of the materials available on record, has awarded a reasonable sum of Rs.4,000/- per month in favour of the first respondent / wife and Rs.2,500/- each to the respondents 2 and 3/ children towards maintenance, which shall be payable by the petitioner/husband on or before 5th of every succeeding English Calendar month, along with arrears within a period of two months. Taking note of the facts and circumstances of the case, the award so passed by the Family Court seems to be very reasonable and hence, the same warrants no interference by this Court.

8. Accordingly, this Criminal Revision is dismissed. It is open to the respondents to proceed against the petitioner for recovery of the maintenance amount, in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar

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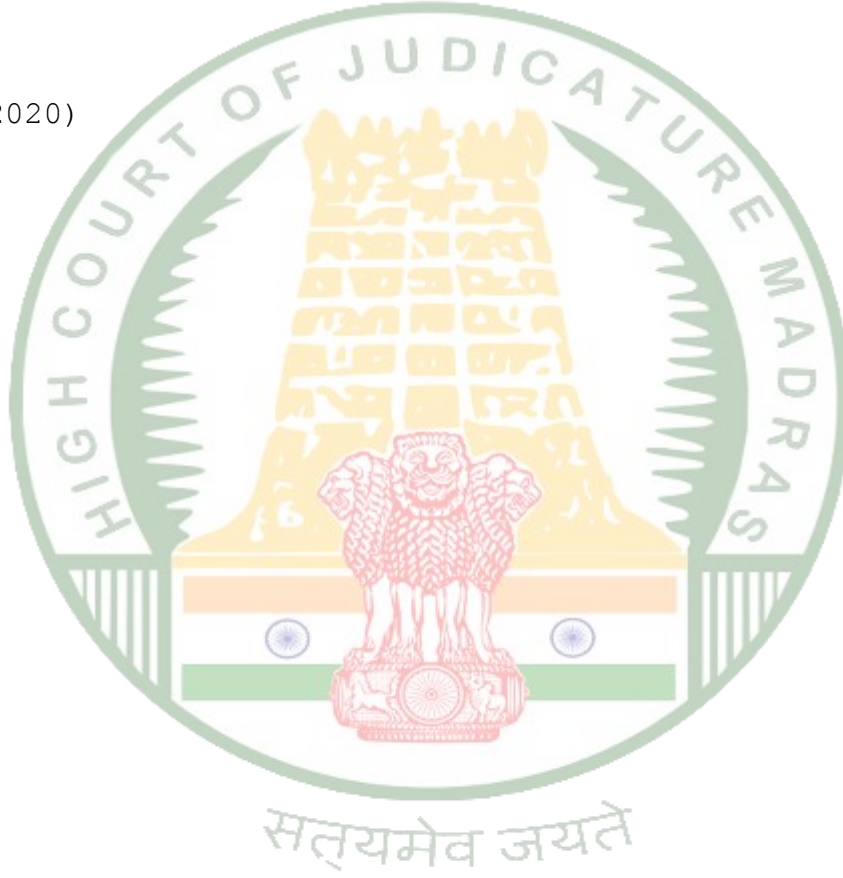
To

1.The Judge,
The Family Court, Vellore

+1cc to Mr.M.Duraimurugan, Advocate, S.R.No. 13448

Cr1.R.C.No.1335 of 2018
and
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