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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. R.C.(MD)No.240 of 2016 and

CRL.M.P.(MD)No.3096 of 2016

Senthil Kumar

.. Petitioner/Respondent

Vs.

1. Sudha

2. Minor Harsidha

3. Minor Akshaya

(R-2 & R-3 are rep. By

R-1 as mother)

.. Respondents/Petitioners

Prayer : This Criminal Revision is filed under Sections 397 & 401 of Cr.P.C., to call for the records relating to the order dated 18.03.2016 made in M.C.No.66 of 2015 on the file of the Family Court, Tirunelveli and set aside the same by appreciating the above said fact.

For Petitioner : Mr.R.Anand,
for Mr.P.Samuel Gunasingh.

For Respondents : Mr.K.Muthu Ganeshapandian

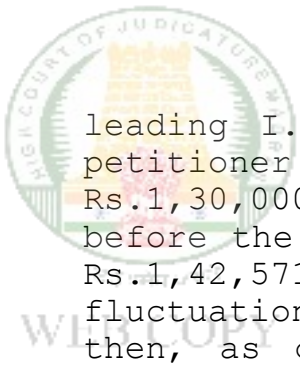
ORDER

Heard the learned counsel on either side.

2. The petitioner herein, namely, Senthilkumar got married to the first respondent Sudha on 14.09.2005 at Palaiyankottai. Respondents 2 and 3 were born through the wedlock in the years 2006 and 2008 respectively. The relationship between the parties came under strain. The children are with the mother. The respondents filed M.C.No.66 of 2015 before the Family Court, Tirunelveli, seeking maintenance. The first respondent examined herself as P.W.1 and marked Ex.P.1 to Ex.P.16. The revision petitioner examined himself as R.W.1 and Ex.R.1 to Ex.R.12 were marked. The learned trial Judge by the impugned order dated 18.03.2016 allowed the maintenance petition and directed the revision petitioner to pay a sum of Rs.45,000/- to the respondents. Questioning the same, this criminal revision case came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds.

4. The petitioner is a product of I.I.T. He is working as Software Engineer in Tata Consultancy Services that is one of the



leading I.I.T. companies of India. The salary certificate of the petitioner would indicate that he was earning more than Rs.1,30,000/-, in the month of February 2020. The documents produced before the Court below would indicate that he was getting more than Rs.1,42,571/-. A person working in a software industry will have fluctuations in the matter as far as the salary is concerned. But then, as on date, the petitioner is very much employed in Tata Consultancy Services and his monthly earning is more than Rs.1,30,000/-. Nothing has been brought out by the petitioner to show that his current salary is less.

5. Therefore, this Court has to proceed on the premise that the position that obtained when the case was tried by the Court below is holding good.

6. The scope for intervention in exercising my revisional jurisdiction is fairly limited. It has not been shown that the approach of the Court below was perverse or materially irregular. I am persuaded to come to the conclusion that the order passed by the Court below is a well reasoned one. The maintenance amount cannot be said to be excessive by no stretch of imagination. There is no scope for interference.

7. The order impugned in this criminal revision case is confirmed. This criminal revision case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To



2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2C)

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18.12.2020

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MJ(CO)
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