

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.89 of 2021

Madhanraj

... Petitioner

..vs..

1.Lakshmi

2.Tejashree

Rep.by its mother and natural guardian
the first respondent

... Respondents

Criminal Revision Case filed under Section 397 Cr.P.C to set aside the order dated 28.10.2020 on the file of the learned Judicial Magistrate No.II, Ponneri in M.C.No.14 of 2017.

For Petitioner : Ms.U.Gowrishankar

O R D E R

By consent of the learned counsel for the petitioner, the matter is taken up at the admission stage itself, without issuing any notice to the respondents.

2.This Criminal Revision Case has been filed against the order dated 28.10.2020 in M.C.No.14 of 2017 on the file of the learned Judicial Magistrate No.II, Ponneri.

3.The petitioner herein is the husband. The respondents herein are the wife and minor daughter of the petitioner. Due to difference of opinion between the petitioner and the first respondent they were living separately. Subsequently, the respondents filed the petition in M.C.No.14 of 2017 under Section 125 Cr.P.C seeking maintenance from the petitioner. After due enquiry, the learned Magistrate allowed the petition, by directing the husband/petitioner to pay a sum of Rs.4,000/- each per month as maintenance to the respondents. Challenging the said order, the petitioner/husband is before this Court by way of this Revision.

4.The learned counsel for the petitioner would submit that the first respondent left the matrimonial home voluntarily, without any valid reason, but, the petitioner is willing to live with his wife and daughter. However, the learned Magistrate failed to consider the same and ordered to pay maintenance of Rs.4,000/- each per month to the respondents.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Admittedly, the marriage between the petitioner and the first respondent was solemnized on 08.09.2011 and out of their wedlock, a female child/second respondent herein was born on 30.06.2012. Subsequently, the petitioner and the first respondent were living separately and the minor child is under the care and custody of the mother/the first respondent herein. Hence, the respondents filed the petition in M.C.No.14 of 2017 seeking maintenance from the petitioner. The learned Magistrate, after due enquiry found that the petitioner and the respondents are living separately; the respondents are struggling for their livelihood and the petitioner is working as a Wireman in the Tamil Nadu Electricity Board and earning Rs.43,000/- per month and it is the bounden duty of the husband to maintain his wife and minor child. Hence, the learned Magistrate ordered a meager amount of Rs.4,000/- each per month to the respondents as maintenance.

7. Considering the above facts and circumstances, this Court does not find any perversity or illegality in the order passed by the learned Magistrate and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed.

8. However, the petitioner is directed to pay the arrears of maintenance within one month from the date of receipt of a copy of this order and also to continue to pay monthly maintenance for the subsequent months, failing which, the learned Magistrate is directed to execute the order in accordance with law, without any formal application.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

ms

To
The Judicial Magistrate No.II, Ponneri.

+1cc to Mr.D.Gowri Shankar, Advocate, S.R.No. 9426

Cr1. R.C.No.89 of 2021

GMI (CO)
GN(17/03/2021)