



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2021

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.R.C.No.398 of 2015

1.K.Viswanathan

2.K.Chandrasekar

.. Petitioners/Respondents

Vs.

Lakshmi Devi

.. Respondent/Petitioner

PRAYER : Criminal Revision has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order dated 07.01.2015 passed in C.A.No.268 of 2013 by the VII Additional Sessions Judge, Chennai against Crl.M.P.No.2913 of 2013 in M.C.No.33 of 2013 dated 27.11.2013 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners : Mr.A.Saravanan

For Respondent : Mr.G.Vijayakumar

ORDER

The learned counsel for the petitioner reports no instructions.

2. This Criminal Revision Case has been preferred against the order passed in C.A.No.268 of 2013 dated 07.01.2015, by the learned VII Additional Sessions Judge, Chennai.

3. The 1st petitioner is the husband of the respondent and the 2nd petitioner is the brother of the 1st petitioner. The respondent has filed a petition in Crl.M.P.No.2913 of 2013 before the IX Metropolitan Magistrate, Saidapet, Chennai for seeking reliefs under Sections 18(a) (b) (c) (d) (g), 19(a) (c) (d) and 20(a) (c) (d) of the Protection of Women from Domestic Violence Act, 2005. In the said petition, the learned Magistrate has passed an interim residential order, interim maintenance order and protection order. The interim maintenance has been awarded at the rate of Rs.15,000/- per month.

4. Aggrieved over that, the petitioner has preferred an appeal in C.A.No.268 of 2013 and the same was also dismissed by confirming the order of the learned Magistrate.



5. This Criminal Revision Case has been filed on the ground that the Courts below had failed to appreciate the earning capacity of the petitioner while fixing the maintenance amount.

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6. The learned counsel for the respondent submitted that out of the wedlock between the 1st petitioner and the respondent, two children were born to them and the 1st petitioner omitted to maintain them.

7. Whatever may be the marital discord between the 1st petitioner and the respondent, as the father of the two minor children born to him, the 1st petitioner is bound to maintain them. The 1st petitioner is said to be conducting some business at Ekkattuthangal. Apart from his business income, he is also getting rental income to the tune of Rs.8,000/-. Even if the 1st petitioner does not have any income, he is duty bound to maintain his children by doing some physical work. It is not the case of the 1st petitioner that the respondent is employed elsewhere and she has got the financial capacity to maintain the children. In the present cost of living and standard of life, the order of interim maintenance to the children at the rate of Rs.15,000/- is reasonable.

8. Hence, this Court does not find any illegality or infirmity in the order passed by the Courts below. Thus, this Criminal Revision case is liable to be dismissed.

9. In the result, this Criminal Revision Case is dismissed. The judgments of the Courts below are hereby confirmed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The VII Additional Sessions Judge,
Chennai.

2.The IX Metropolitan Magistrate,
Saidapet, Chennai.

3.-do-through The Chief Metropolitan Magistrate,
Egmore, Chennai.

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