



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.185 of 2021  
and CrI.M.P.No.4361 of 2021

J.Jeydhass

... Petitioner

..vs..

1.D.Jancymariyal

2.Minor J.M.Aaradhana

(Rep.by her mother and next friend

1<sup>st</sup> respondent)

... Respondents

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the judgment dated 18.03.2020 made in M.C.No.187 of 2019 on the file of the I Additional Family Court, Chennai (Principal Family Court) by allowing this Criminal Revision Case.

For Petitioner : Mr.K.Kathiresan

O R D E R

By consent of the learned counsel for the petitioner, the matter is taken up today for final disposal at the admission stage itself, without issuing notice to the respondent.

2.This Criminal Revision Case has been filed against the order dated 18.03.2020 made in M.C.No.187 of 2019 on the file of the I Additional Family Court, Chennai (Principal Family Court).

3.According to the petitioner, the marriage between the petitioner and the first respondent was solemnized on 30.11.2017 and out of their wedlock, a female child/second respondent herein was born. Due to matrimonial dispute, 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. Subsequently, the respondents 1 and 2 filed a petition in M.C.No.187 of 2019 under Section 125 Cr.P.C seeking maintenance from the petitioner. After due enquiry, the learned Judge, dismissed the petition in respect of the first respondent/wife, since she is an employee, earning about Rs.22,500/- per month and she is able to maintain herself.



However, the learned Judge ordered Rs.15,000/- per month as maintenance to the 2<sup>nd</sup> respondent/child. Challenging the said order, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that due to COVID-19 Pandemic situation, the petitioner lost his job and he is undergoing financial crisis, whereas the first respondent/wife is a Government employee and she is having sufficient means to maintain herself and the child. He would further submit that the petitioner/husband filed IDOP No.2 of 2019 for restitution of conjugal rights before the District Court, Sivagangai against the first respondent and the same is pending. He would further submit that the first respondent herself admitted that the child was not born to the petitioner. However, without considering the said facts the Court below ordered Rs.15,000/- per month as maintenance to the 2<sup>nd</sup> respondent/child, which is on higher side and hence, the same may be liable to be set aside.

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

6. On a careful perusal of the entire records, it would reveal that the marriage between the petitioner and first respondent is not in dispute. Further, the petitioner and the respondents were living separately. According to the petitioner, the first respondent left the matrimonial home voluntarily and she is a Government Servant, having sufficient means to maintain herself and her minor daughter. Further, the petition in IDOP No.2 of 2019 for restitution of conjugal rights is pending before the District Court, Sivagangai.

7. In the light of the above facts and considering the cost of living prevailing as on date, the Court below ordered Rs.15,000/- per month to the second respondent/minor daughter as maintenance, which is reasonable one. Therefore, this Court does not find any perversity or infirmity in the order passed by the Court below and hence, the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



ms

To

WEB COPY

The Judge,  
I Additional Family Court,  
Chennai.

Crl.R.C.No.185 of 2021  
and Crl.M.P.No.4361 of 2021

JPL (CO)  
RMP (06/05/2021)