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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.R.C.NO.1590 OF 2016

AND

CRL.M.P.NO.13075 OF 2016

K.Dhandapani @ Saravanan

...Petitioner / Respondent

Vs.

1.Madeswari

2.Ajay Sharma

Minor represented by his natural guardian

& mother Madeswari

...Respondents / Petitioners

Prayer : Criminal Revision case filed under Section 397 r/w 401 Cr.P.C to call for the records and set aside the order passed in F.C.M.C.No.31 of 2014 dated 19.03.2015 on the file of Family Court, Dharmapuri.

For Petitioner : Mr.I.Abrar MD Abdullah

O R D E R

The petitioner has filed this petition to call for the records and set aside the order passed in F.C.M.C.No.31 of 2014 dated 19.03.2015, on the file of Family Court, Dharmapuri.

2. The case of the prosecution is that marriage between the petitioner and the respondent was solemnized on 27.08.2004 in the presence of friends and relatives. Due to wedlock, a male child was born to them. After six months of marriage life, there was no compatibility between them and therefore, they got separated. Further, the 1st respondent without any financial assistance, was struggling to live with the child and thereby filed M.C.No.14 of 2010, before the Lower Court, claiming a sum of Rs.3,000/- per month each to the respondents as maintenance and Rs.24,000/- annually towards other incidental charges. The Lower Court, after recording the reasons had partly allowed the petition by directing the petitioner to pay a monthly maintenance of Rs.1,250/- per month, each to the respondents.



Challenging the said order of the Trial Court, the present petition is filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that admittedly the relationship of the petitioner and the 1st respondent is not in dispute. Further, the petitioner made allegation against the 1st respondent that she is living illegal life and having illegal intimacy with one person, namely, Murthy. It is submitted by the learned counsel for the petitioner that prior to the marriage with the petitioner, the 1st respondent had illegal intimacy with another person and suppressing the same, performed marriage with the petitioner and not taking care of the petitioner and his family. It is further submitted by the petitioner that if the 1st respondent is willing to join the company of the petitioner, he is also ready to live with his wife. However, the Trial Court, without taking note of the material facts as to the earnings of the petitioner, awarded a sum of Rs.1,250/- to each of the respondents and also another sum of Rs.24,000/- to meet out other incidental charges. Hence prays for allowing of this petition.

4. The learned counsel appearing for the respondents submitted that though several attempts were made by the 1st respondent and the elder member of the family, the petitioner had not chosen to cohabit with her and the 1st respondent without any source of income, struggling to maintain the child. Since the petitioner is having agricultural land in his village and also earning nearly Rs.30,000/- per month, he is having capacity to pay the award amount as ordered by the Trial Court and prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.

6. It appears that the relationship of the petitioner and the 1st respondent is not in dispute. The only grievance of the petitioner is to the quantum of award amount passed by the Trial Court. Though it is the claim of the petitioner that the 1st respondent suppressing the earlier relationship with one Mani, had married the petitioner, all those points were elaborately discussed by the Trial Court and based on the evidence adduced, had reached a reasonable conclusion by awarding monthly maintenance of Rs.1,250/- to each respondents. In such a situation, when the Trial Court elaborately discussed the matter and arrived at a conclusion, this Court is not inclined to interfere with the reasons assigned by the Trial Court, as there is no error apparent on the face of the record and hence, in the present cost of living, the order granting maintenance amount to the respondents, is just and reasonable.



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7. Accordingly, this Criminal Revision Petition is dismissed. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
The Family Court,
Dharmapuri.

Crl.R.C.No.1590 of 2016
and
Crl.M.P.No.13075 of 2016

CA (CO)
RVM(25/11/2021)