



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.NO.647 OF 2018

Mohammed Yousuff

... Petitioner

Vs.

1. Y.Luthufia

2. Y.Mohammed Subhaan,

3. Y.Mariam Kauser,
Their mother and natural guardian,
the 1st Respondent, Y.Luthufia.

... Respondents

PRAYER: Criminal Revision petition has been filed under Section 397 of Cr.P.C r/w Section 19(4) of the Family Courts Act 1984 prayed to call for and examine the record of any proceedings of the order before VII Additional Family Court at Chennai and dismiss MC.No.55/2015 Revise to order dated 08.01.2018 and set aside the said order.

For Petitioner : Mr.Mohammed Yousuff (party in person)

For Respondent : M/S.S.N.A.Husssainy

ORDER

The present Criminal Revision petition has been filed under Section 397 of Cr.P.C r/w Section 19(4) of the Family Courts Act 1984 praying to call for and examine the record of proceedings of the order before VII Additional Family Court at Chennai and dismiss MC.No.55/2015 dated 08.01.2018 and set aside the same.

2. The case of the prosecution is that the petitioner and the 1st respondent are husband and wife. The marriage was solemnized in the year 1999 and out of their wedlock, they were blessed with two children, the 2nd and 3rd respondents. The petitioner is working as sound system in charge in INN Kodambakkam, Chennai and drawing a salary of Rs.50,000/-. After marriage the petitioner failed to maintain the family and also not providing basic amenities to the respondents and frequently had quarrel with the 1st respondent



demanding dowry and also the petitioner attacked the 1st respondent on 01.02.2015. Thereafter, the 1st respondent filed a case in Royapettah Police Station in CSR.No. dated 01.02.2015. Since the petitioner failed to maintain the family, a Maintenance petition was filed and the 1st respondent is claiming a sum of Rs.10,000/- and 2nd and 3rd respondents are claiming a sum of Rs.7,500/- each.

3. The party in person appeared through video conference and submits that the petitioner earlier worked as Arabic teacher and thereafter, he lost the job. He further submits that the 2nd respondent attained majority and requests to cancel any amount awarded by the lower court as he has attained majority.

4. Considering the facts and circumstances of the case, the marriage of the petitioner and the 1st respondent is not in dispute. However, no proof is provided for loss of job by the petitioner. Considering the cost of living and the need for the respondents to maintain themselves and have a respectable living and further the 2nd respondent having attained majority, the following order is passed:

(a) the petitioner is directed to pay a monthly maintenance of Rs.5,000/- to the 1st and 3rd respondent on first working day of every calendar month.

(b) the petitioner should deposit and pay a sum of Rs.5,000/- from the date of petition till the date of attainment of majority of the second respondent.

6. With the above said observations and modifications, the Criminal revision petition is disposed of.

Skt

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

TO

The Judge,
VII Additional Family Court,
Chennai.

+1 C.C. To MR.S.N.A.HUSSAINY, Respondent Advocate SR.NO.47081

Cr1.O.P.No.647 of 2018

NR(CO)
PM(20/10/2021)