



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.886 of 2018
And
Crl.M.P.No.10056 of 2018

T.Thangaraj

...Petitioner

Vs.

1.Shanthi

2.T.S.Ashika

3.Minor T.S.Stephy

...Respondents

Prayer:Petition filed under Section 397 of Criminal Procedure Code, seeking to call for the records and set aside the order passed by the Principal Family Judge, Coimbatore in M.C.No.199 of 2015 dated 03.07.2017.

For Petitioner : M/s.A.Veeramarthini
For Respondents : No Appearance

O R D E R

The petitioner has filed this petition seeking to set aside the order passed by the learned Principal Family Judge, Coimbatore in M.C.No.199 of 2015 on 03.07.2017.

2.The facts of the case is that the marriage between the petitioner and the first respondent was solemnized on 18.10.1996 at Kaniyakumari District as per the Christian Rites and Customs and they started their marital life at Coimbatore. Out of the wedlock, respondents 2 and 3 were born to them. Thereafter, the petitioner is alleged to have deserted the respondents. The respondents filed M.C.No.199 of 2015 before the Family Court, Coimbatore seeking a sum of Rs.10,000/- each per month as maintenance. After adjudication, the learned Principal Judge, Family Court, Coimbatore allowed M.C.No.199 of 2015 in part directing the petitioner to pay a sum of Rs.3,000/- each per month to the respondents towards maintenance from the date of petition i.e., 03.11.2015. Aggrieved against the maintenance awarded in favour of the respondents, the petitioner has filed this revision.



3.The learned counsel appearing for the petitioner submitted that the petitioner is working as coolie and is earning only a sum of Rs.300/- per day and with the meagre amount, he is not able to maintain himself, hence, forcing the petitioner to pay a sum of Rs.3,000/- each per month to the respondents towards maintenance is not sustainable. Accordingly, he prayed for allowing the revision.

4.Though notice was served and respondents have entered appearance through counsel, today, when the matter is taken up for consideration, there is no representation for the respondents. Hence, considering the pendency of the revision, this Court is inclined to proceed with the case and decide the matter based on the materials available on record.

5.The relationship between the parties is not disputed. Admittedly, respondents 2 and 3 are living with the first respondent. This Court perused the order passed by the Trial Court. Though the respondents have claimed a sum of Rs.10,000/- each per month towards maintenance, the learned Principal Judge, Family Court, Coimbatore awarded only a sum of Rs.3,000/- each per month towards maintenance in favour of the respondents.

6.The petitioner has not raised any valuable grounds in terms of Section 125(4) of Cr.P.C. for denial of maintenance to the respondents. His only grievance is the quantum of maintenance awarded in favour of the respondents. Considering the fact that the first respondent has to take care of the future of respondents 2 and 3 and considering the present cost of living, the amount awarded by the learned Principal Judge, Family Court, Coimbatore, is just and reasonable. Hence, I am not inclined to interfere with the order passed by the learned Principal Family Judge, Coimbatore in M.C.No.199 of 2015 on 03.07.2017.

7.This revision is accordingly dismissed. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Family Judge,
Coimbatore.

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+2 Ccs to Mrs.A. Veeramarthini, Advocate sr 51528.

Cr1.R.C.No.886 of 2018

And

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GSM(CO)
SP(10/11/2021)