

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :24.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.490 of 2019 and
Crl.M.P.No.6840 of 2019

Anburajan ... Petitioner/Revision Petitioner

.Vs.

1. Anusia Herve.
2. Inbarasan (Minor)
3. Sudhir (Minor)

Minors represented by their next friend
and mother the first respondent

Anusia Herve ... Respondents/Petitioners

PRAYER : Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to call for the records in M.C.No.55/2012 dated 12.03.2019 passed by Family Court, Puducherry, directing the revision petitioner to pay a sum of Rs.3,000/- per month to the 1st respondent/petitioner herein from the date of petition i.e., 29.11.2012 until further orders and Rs.3,000/- per month each to the Respondent/petitioners 2 and 3 herein from the date of petition i.e., 29.11.2012 till they attained major. And the revision petitioner/respondent is also directed to meet out the educational expenses of the Respondent/Petitioners 2 and 3 herein. The monthly maintenance is ordered to be paid by the revision petitioner/respondent herein to the respondent/petitioners herein on the 10th day of succeeding month and the arrears of maintenance is ordered to be deposited before this Court or to be paid directly within a period of one month from the date of this order after deducting the payment already made, if any and revision petitioner/respondent herein is further directed to pay a sum of Rs.1000/- towards the costs of the respondent/petitioner herein and set aside the same.

For Petitioner : No appearance
For Respondents : Mr.R.Thiagarajan (R1 to R3)
No Appearance

O R D E R

The petitioner is the husband. The first respondent is the wife and the second and third respondents are their minor children. The respondents filed a maintenance case against the petitioner herein under Section 125 (1) (a) and (b) of Cr.P.C. before the Family Court, Puducherry and the learned Family Court after enquiry, vide order dated 12.03.2019, awarded a sum of Rs.3,000/- per month to the first respondent and a sum of Rs.3,000/- each to the second and third respondents. Challenging the said order, the petitioner has filed the present revision before this Court.

2. The case of the respondents is that the marriage between the petitioner and the first respondent was solemnized on 07.09.2007 and out of the wedlock, they begotten two children and the petitioner neglected the first respondent stating some flimsy reasons, as if the first respondent is neglecting to reside in their conjugal home at Chennai and also driven the first respondent from his house. Therefore, the first respondent made a complaint before the SHO, All Women Police Station, Special Wing for conciliation, against the respondent and his mother. On due enquiry, the police officer advised the petitioner to live with the respondents and also advised the respondents mother not to make any uneven dispute with the petitioners. Despite the same the petitioner has not come forward to live with the petitioners. Since, the first respondent is residing in her parents home and as she has no income to maintain herself and her children and as the children have been admitted in the school she has to spend for their educational expenses, the respondents have filed the petition under Section 125 (1) (a) and (b) of Cr.P.C. for maintenance.

3. According to the petitioner, the first respondent left matrimonial home on her own and she failed to participate in the household works and she did not even prepare even a single cup of coffee to anybody let alone to herself. Further, the petitioner is not earning a sum of Rs.45,000/- per month as stated by the respondents and there is no proof with regard to this income and therefore the respondents are not entitled for maintenance.

4. There is no representation on either side. Perused the records.

5. The marriage between the petitioner and the respondent is admitted and the paternity of the minor children are also not in dispute. Since both the petitioner and the respondents are

living separately as they do not have means to maintain themselves, the petitioner as a dutiful father is liable to maintain his wife and children . Further, the petitioner is earning a sum of Rs.45,000/- per month and therefore he is liable to maintain his wife and children. The learned Judge elaborately dealt with the oral and documentary evidence has awarded a sum of Rs.3,000/- to the first respondent and a sum of Rs.3,000/- each to the respondents 2 and 3. This Court under revisional jurisdiction can only see whether there is no perversity in the order passed by the Court below.

6. Considering the overall facts and circumstances of the case and also considering the materials available on record, this Court does not find any infirmity or illegality in the order passed by the Court below. Hence, this Criminal Revision petition is dismissed. Consequently, connected M.P. is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Judge , Family Court, Puducherry.

Crl.R.C.No.490 of 2019

CA(CO)
SP(15/04/2021)