

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.587 of 2019 &

Crl.M.P.No.7912 of 2019

S.Krishna Kumar ... Petitioner

Vs.

1.Mrs.S.L.Durga

2.K.Deepthi (Minor),
Rep. by mother and natural Guardian,
Both residing at B6-2nd Floor,
G.K.Flats, 141/41, Gangai Amman Koil Street,
Vadapalani,
Chennai - 600 026. Respondents

PRAYER: Criminal Revision Case filed under 397 r/w 401 of Cr.P.C. to set aside the order dated 19.03.2019 made in M.C.No.417 of 2017, on the file of V Additional Family Court, Chennai.

For Petitioner : No appearance

For Respondents : No appearance

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O R D E R

A perusal of records, it could be seen that there was no representation on behalf of both sides on 03.02.2020, 18.02.2020 and 18.01.2021 respectively, and and hence, this matter was directed to be listed today. Even today, none appeared for both the parties to represent their case. Since the Revision is arising out of the order passed by the learned Judge, Family Court, Chennai, under Section 125 of Cr.P.C., this Court is not

inclined to adjourn the matter further, and however, inclined to dispose the matter on merits on available records.

2. This Criminal Revision is filed by the petitioner/husband against the order passed by the learned V Additional Family Judge, Chennai in M.C.No.417 of 2017.

3. The first respondent/wife filed a petition under Section 125 of Cr.P.C. seeking maintenance of Rs.55,000/- for herself and Rs.50,000/- for her daughter in M.C.No.417 of 2017, on the file of the learned V Additional Judge, Family Court, Chennai. The learned Judge, by an order dated 19.03.2019, directed the petitioner/husband to pay a sum of Rs.10,000/- to the first respondent/wife and a sum of Rs.15,000/- to the second respondent /daughter. Challenging the above order, the petitioner/husband has filed this Revision.

4. According to the first respondent / wife, she was working in TV serials and was earning Rs.50,000/- per month, however, after the marriage, she quit her job, believing the income of the petitioner/husband. Since the family members of the petitioner/husband gave torture for aborting the baby, she left the matrimonial home. The petitioner / husband is a graduate and working as a Trainer at Cognizant and earning Rs.7,00,000/- per month apart from incentives accumulated more than Rs.19,000/- per month and also receiving rent of a sum of Rs.27,000/- per month and further the petitioner / husband is living in a leased house for a sum of Rs.6,00,000/-. Since the first respondent/wife had suffered a lot without proper source of income, filed the petition before the learned V Additional Family Court, Chennai for maintenance to herself and her daughter.

5. According to the petitioner / husband, the first respondent / wife had left matrimonial home without any reason on her own volition. It was further stated in the petition that the first respondent had not stopped to act in the serials. The petitioner / husband was not getting salary as stated by the first respondent / wife.

6. Perusal of the materials available on record discloses that the marriage between the petitioner and the first respondent was solemnized on 12.06.2015 and out of the wedlock, a female child was born to them. Due to family dispute, the respondent/wife left the matrimonial home. Since the respondent felt it difficult to take care of herself, she filed a petition under Section 125 of Cr.P.C. before the learned V Additional Judge, Family Court, Chennai. The revision petitioner/husband has not produced any document to show that his wife was getting sufficient income to maintain her and her daughter. However,

considering the facts and circumstances of the case, the learned Judge, has awarded only a sum of Rs.10,000/- to the first respondent/wife and a sum of RS.15,000/- to the second respondent/daughter as monthly maintenance is very reasonable and not excessive. Therefore , I do not find any perversity or illegality in the order passed by the learned Judge.

7. Accordingly, the Criminal Revision Case is dismissed. The petitioner / husband is directed to pay the maintenance as per the findings of the learned V Additional Judge, Family Court, Chennai and further directed to pay arrears of amount within one month, failing which, the respondents shall have the liberty to bring it to the notice of the learned V Additional Judge, Family Court, Chennai, and the learned Judge, shall pass necessary orders. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

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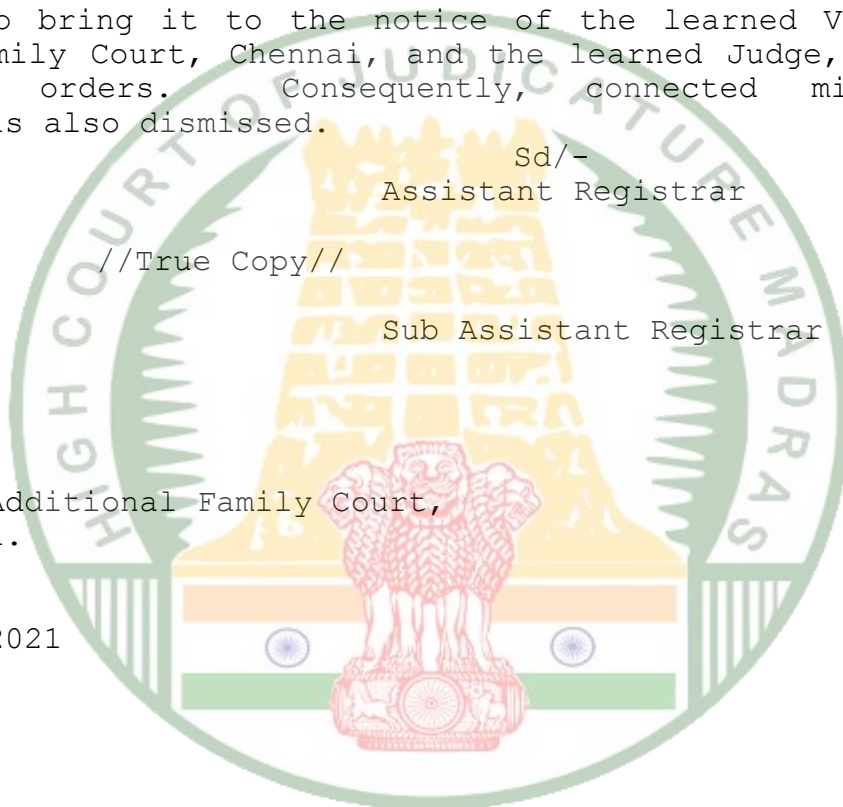
Sub Assistant Registrar

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To

1. The V Additional Family Court,
Chennai.

KV(CO)
SM/04/03/2021



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