

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.944 of 2019 and
Crl.M.P.No.13419 of 2019

A.Venugopal ... Petitioner/Respondent

Vs.

Anushree @ Anunivetha ... Respondent/2nd Petitioner

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the learned IV Additional Judge, Family Court at Chennai dated 21.06.2019 passed in M.C.No.579 of 2013 and allow the appeal.

For Petitioner : M/s.S.Premakumari for
Mr.V.V.Sairam

For Respondent : No Appearance

ORDER

The petitioner is the father and the respondent is his daughter. The mother of the respondent has filed a petition under Section 125 Cr.P.C., before the learned IV Additional Principal Judge, Family Court, Chennai in M.C.No.579 of 2013 for monthly maintenance from the petitioner. The learned IV Additional Principal Judge, Family Court, Chennai, by order, dated 21.06.2019, dismissed the petition against the wife on the ground that she is employing, earning income and ordered a sum of Rs.4,000/- to the respondent herein. Challenging the said order, the father/petitioner is before this Court by way of Criminal Revision.

2.M/s.S.Premakumari, appearing on behalf of Mr.V.V.Sairam, learned counsel for the petitioner would submit that the petitioner is not a working man. The averment that the petitioner received Rs.60,00,000/- as his share from his father's property is false. Though the mother and the

daughter/respondent filed the maintenance case, the learned IV Additional Principal Judge, Family Court, Chennai dismissed the petition in respect of maintenance of the wife and directed the petitioner to pay a sum of Rs.4,000/- as monthly maintenance to the respondent along with a sum of Rs.2,00,000/- for her educational expenses. Now, the petitioner is aged about 59 years and working as Coolie and he is unable to eke out his earning.

3.No representation for the respondent either in person or by her respective counsel.

4.Heard and perused the records.

5.The relationship of the parties is not in dispute and the paternity of the respondent herein is not in dispute and the respondent is living with her mother is also not in dispute. The respondent and her mother clearly stated in the petition that the petitioner sold his family property on 13.07.2007 and got share to the sum of Rs.60,00,000/- (Rupees sixty lakhs only). The learned IV Additional Principal Judge, Family Court, Chennai considered the same and discussed in the order that the petitioner was having property and sold along with the family members and having sufficient means, therefore only, the learned IV Additional Principal Judge, Family Court, Chennai ordered Rs.4,000/- to the respondent along with a sum of Rs.2,00,000/- (Rupees two lakhs only) for her educational expenses.

6.The learned IV Additional Principal Judge, Family Court, Chennai dismissed the petition in respect of maintenance of the wife on the ground that the wife of the petitioner is working as TY Grounds Women Group-C Category in Officers Training Academy, Chennai and earning a sum of Rs.40,000/- as salary and ordered to maintain her daughter.

7.Considering the fact that the petitioner is the father of the respondent and he is an earning member, this Court is of the considered view that the award of Rs.4,000/- (Rupees four thousand only) to the respondent minor daughter is very reasonable and not highly excessive.

8.In view of the above, this Court does not find any illegality or perversity in the order dated 21.06.2019 passed by the learned IV Additional Principal Judge, Family Court, Chennai and there is no merit consideration in the submissions made by the learned counsel for the petitioner. Hence, the Criminal Revision is liable to be dismissed and it is, accordingly, dismissed. The petitioner is directed to deposit the entire arrears of amount within a period of one month and directed to pay the monthly maintenance till the respondent getting married, failing which, the IV Additional Principal

Judge, Family Court, Chennai shall execute the order in accordance with law. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

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Sub Assistant Registrar

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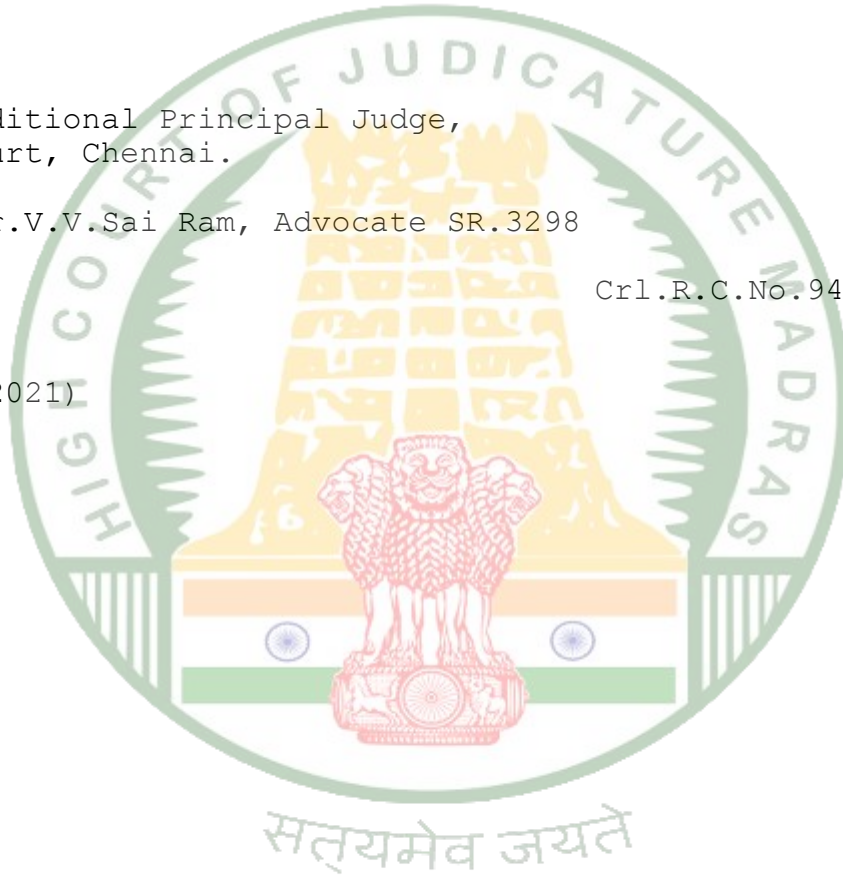
To

The IV Additional Principal Judge,
Family Court, Chennai.

+2cc to Mr.V.V.Sai Ram, Advocate SR.3298

Crl.R.C.No.944 of 2019

NMI (CO)
CB(18/02/2021)



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