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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.NO.465 OF 2017

AND

CRL.M.P.NO.4149 OF 2017

A.Vellusamy

... Petitioner/Respondent

Vs.

1. A.Lokanayagi @ Easwari

2. Sasikumar (Minor)
Rep. by natural guardian
A.Lokanayagi @ Easwari

... Respondents/Petitioners

Prayer:

Petition filed under Sections 397 and 401 of Criminal Procedure Code, seeking to set aside the judgment dated 08.02.2017 made in M.C.No.11 of 2014 on the file of the learned Judicial Magistrate, Bhavani by allowing this criminal revision petition.

For Petitioner : Mr.V.P.K.Gowtham

For Respondents : Mr.V.S.Kesavan

O R D E R

The petitioner has filed this petition seeking to set aside the order dated 08.02.2017 passed in M.C.No.11 of 2014 by the learned Judicial Magistrate, Bhavani.



2.The facts of the case is that the marriage between the petitioner and the first respondent was solemnized on 20.01.2008 at Bhavani as per Hindu Rites and Customs. Out of the wedlock, two male children were born and the elder son is under the custody of the petitioner and the younger son is under the custody of the first respondent. Thereafter, there was matrimonial dispute inbetween them and the respondents filed M.C.No.11 of 2014 before the learned Judicial Magistrate, Bhavani seeking maintenance of Rs.5,000/- each. The first respondent examined herself as P.W.1 and marked Ex.P.1 to 5. The petitioner neither examined any witness nor marked any document. After adjudication, the said petition was allowed and a sum of Rs.5,000/- each per month was awarded towards maintenance in favour of the respondents. Challenging the same, the petitioner has filed this revision.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an agricultural coolie and is earning only a meagre amount and hence, the quantum of maintenance awarded in favour of the respondents may be reduced.

4.Heard the submissions made by the learned counsel appearing for the respondents.

5.The facts in the case is not disputed. The relationship between the petitioner and the respondents is not disputed. The petitioner has filed this revision only for reduction in the quantum of maintenance awarded in favour of the respondents and raised usual grounds without any proof with regard to his income. Considering the present cost of living and the fact that the first respondent has to develop the second respondent by giving proper education and since there are also other expenditures, the amount awarded as maintenance by the lower Court is just and reasonable and this court is not inclined to interfere with the order dated 08.02.2017 passed in M.C.No.11 of 2014 by the learned Judicial Magistrate, Bhavani.



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

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Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

The Judicial Magistrate,
Bhavani.

Cr1.R.C.No.465 of 2017
And
Cr1.M.P.No.4149 of 2017

KG(CO)
RLP(23/09/2021)