

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.1085 OF 2019

AND

CRL.M.P.NO.14692 OF 2019

Rajinikanth

... Petitioner

Vs.

1.R.Suryakanth

2.R.Srikanth

3.Vanitha

... Respondents

Prayer:-

Criminal Revision Case filed under Section 397(1) and 401 of Cr.P.C, to call for the records pertaining to the order dated 19.08.2019 in M.C.No.76 of 2017 on the file of the Family Judge, Dharmapuri, set aside the same.

For Petitioner : Mr.K.Selvakumaraswami
(No appearance)

For Respondents : M/s.G.Vairava Subramanian
S.Karthik
A.Kandhan
B.Raghupathy
(No appearance)

ORDER

This Criminal Revision Case has been filed against the order dated 19.08.2019 passed in M.C.No.76 of 2017 on the file of the Family Judge, Dharmapuri.

2. When the matter is taken up for hearing, there is no representation on either side. Since the matter is pending from the year 2019, this Court is inclined to take up the matter and dispose it of on merits.

3. In the present case, the petitioner is the husband, 1st and 2nd respondents are the two minor sons and the third respondent is the wife of the petitioner. The respondents filed

a petition in M.C.No.76 of 2017 under Section 125 Cr.P.C. for payment of maintenance before the Family Judge, Dharmapuri and the learned Judge passed an order dated 19.08.2019 and directed the petitioner herein to pay a sum of Rs.4,600/- p.m each to 1st and 2nd respondents until they attain majority and Rs.4,000/- p.m to the third respondent/wife and has also directed to pay a sum of Rs.40,000/- per annum towards educational expenses of the respondents 1 and 2. Challenging the said order, the petitioner has come up before this Court by way of filing this criminal revision.

4. According to the third respondent/wife, the petitioner is a retired Army Medical Corp and he is getting Rs.25,000/- per month as pension and has also received retirement benefit of Rs.14,00,000/- which he has deposited in Thirupatthur Post Office, Rs.7,00,000/- deposited in Thirupatthur State Bank of India and receiving Rs.15,000/- as interest for the deposits and Rs.2,00,000/- from the agricultural lands. Therefore, the petitioner is liable to pay Rs.5,000/- each and Rs.1,00,000/- each to 1st and 2nd respondents for annual educational expenses. Though, after the enquiry, it was found that the petitioner have no means to maintain the petitioner himself, his mother and 3 respondents, therefore awarded a sum of Rs.4,600/- to the first and second respondents and Rs.4,000/- to the third respondent. Even though the third respondent admitted that she has property in her name, the petitioner persuades the property. But however, she is having two minor children and there is no independent income, the Family Court passed an above said order.

5. A perusal of the records would show that the relationship of the parties are not in dispute and the only contention raised by the petitioner is that the third respondent herself has left the matrimonial home without any reason and the properties that he purchased are in the name of the third respondent/wife and he is residing in his house. The petitioner is only a retired person and he is getting only pension and therefore, he is not liable to pay. But the record shows that the petitioner is a retired army man and getting pension of Rs.25,000/- per month and apart from that he has also received retirement benefits. Therefore, under these circumstances, the petitioner has not proved that the third respondent is having any monthly income to meet out the monthly expenses and also to meet the educational expenses of the first and second respondents. Accordingly, the petitioner is liable to pay maintenance amount as directed by the Family Court. This Court does not find any merit and perversity in the order passed by the Family Court, therefore, this Criminal Revision Case is dismissed and the petitioner is directed to pay the arrears of maintenance of the respondents within a month and the further maintenance amount to be paid every month as directed by the Family Court, failing which, the

Family Court is directed to execute its order with a reasonable time in accordance with law.

6. With the above instructions, this Criminal Revision Case stands dismissed. Connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

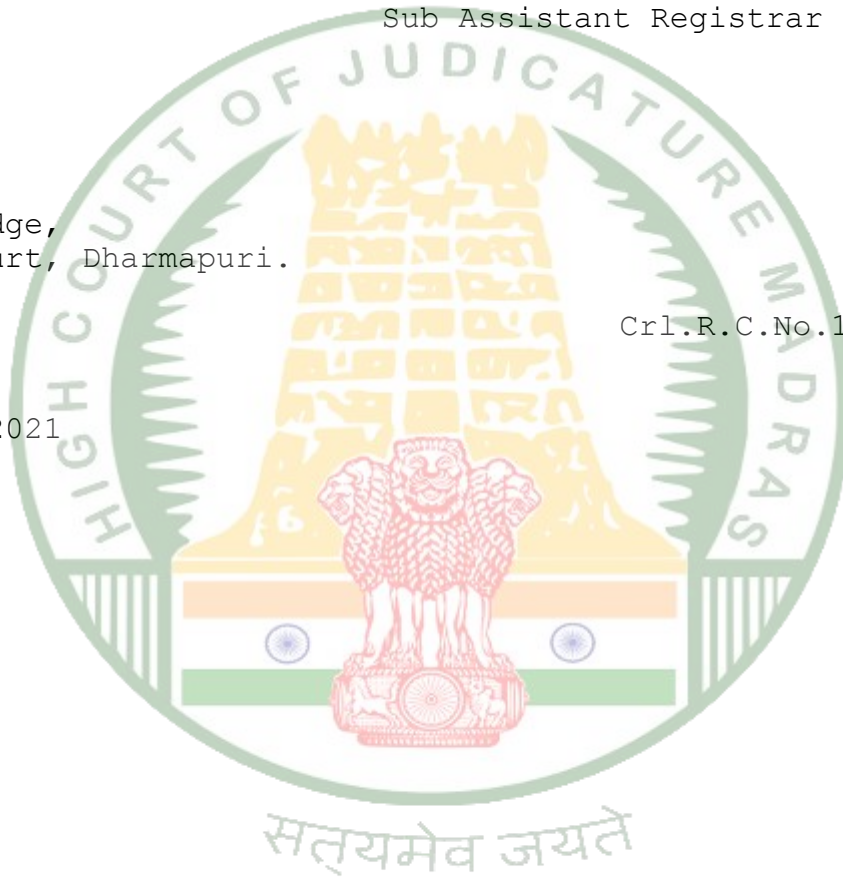
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To

Family Judge,
Family Court, Dharmapuri.

Cr1.R.C.No.1085 of 2019

AJS (CO)
CS/16/03/2021



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