



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

WEB COPY

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THE HON'BLE MS. JUSTICE R.N.MANJULA

Cr1.RC.No.845 of 2017
and
Cr1.MP.No.7805 of 2017

A.Ravi

...Petitioner

Vs.

1.R.Lakshmi
2.Minor R.Shyam
3.Minor R.Magesh

...Respondents

Prayer:- This Criminal Revision Petition is filed under Section 397 and 401 of Cr.P.C., to call for the records in connection with F.C.M.C.No.124 of 2014 on the file of the learned Family Court, Vellore, Vellore District and set aside the order dated 19.04.2017.

For Petitioner	:	Mr.E.Kannadasan
For Respondents	:	M/s.T.V.Sai Srujan Legal Aid Counsel

ORDER

This Criminal Revision Petition has been preferred challenging the order dated 19.04.2017 passed in FCMC.No.124 of 2014 by the learned Family Court Judge, Vellore and set aside the same.

2. The revision petitioner was the respondent before the Family Court and the respondents were his wife and children. The revision petitioner was working in CRPF and at present he got retired from service; after the marriage, the revision petitioner and the first respondent were living together for sometime and two children (2nd and 3rd respondents) were born out of their wedlock; since misunderstanding arose between the revision petitioner and the first respondent, the revision petitioner is said to have neglected to maintain his family. The respondents have filed a maintenance case before the Family Court for claiming maintenance; considering the submissions made by both the parties, the learned Family Court Judge has partly allowed the petition by fixing the maintenance amount to be payable to the first respondent at Rs.2,000/- per month and at Rs.4,000/- for each of the second



and third respondents who are minor children of this revision petitioner.

3. The first respondent has got no employment of her own and she is depending on the petitioner only. The two children of the revision petitioner are school going and because of the poverty of the first respondent, she admitted the children in the orphanage and the children are being educated by the orphanage. However, the other requirement of the children have to be meted out by the first respondent. The revision petitioner is the retired Government employee. As the husband of the first respondent and father of the minor respondents' 2 & 3, he has a duty to maintain them. Even if the husband is an unemployed person, he has to maintain his wife and children by undertaking some physical labour and earning money. In the existing cost of living and standard of life, the quantum of maintenance amount as stated above, is very reasonable. If this Court opts to cut down any portion of the maintenance amount, it will be very difficult for the respondents to make out their living decently. Hence, I find no reason to interfere with the order of the learned Family Judge.

In the result, this Criminal Revision Petition is dismissed and the order dated 19.04.2017 of the Family Court Judge, Vellore passed in FCMC.No.124 of 2014 is confirmed. Connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Sni

To

The Judge,
The Family Court,
Vellore, Vellore District.

+1cc to Mr.E.Kannadasan, Advocate SR. No.57971
+1cc to M/s.Giridhar & Sai Associates, Advocate SR. No.57813

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PA (CO)
PR (29/11/2021)