



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.403 of 2019

Ramalingam .. Petitioner/Respondent
Vs.

1.Karthigaiselvi
2.Minor Viswaguru
3.Minor Yogeshguru .. Respondents/Petitioners
(Respondents 2 & 3 are minors Represented
by their mother & Natural Guardian the 1st Respondent)

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order, dated 06.02.2018 made in M.C.No.7 of 2017 on the file of the Family Court, Sivagangai and set aside the same.

For Petitioner : Mr.A.Hajamohideen

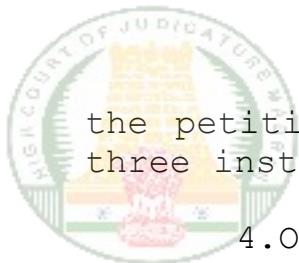
For Respondents : Mr.K.P.Ramesh

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Family Court, Sivagangai, in M.C.No.7 of 2017, dated 06.02.2018.

2.The revision petitioner is the husband. The first respondent is the wife and the respondents 2 and 3 are the minor children of the petitioner and the first respondent. The respondents approached the Family Court, Sivagangai and filed a maintenance case in M.C.No.7 of 2017 for claiming maintenance from the revision petitioner. The Family Court, Sivagangai, ordered the revision petitioner to pay a sum of Rs.5,000/- per month as maintenance for the first respondent and Rs.2,500/- for the respondents 2 and 3 as towards maintenance. Against that order, the petitioner preferred this revision.

3.On the side of the petitioner, it is stated that the revision petitioner is an acting driver and he is not having service to oblige the order. It is further stated that



the petitioner is ready to pay 1/3rd of the maintenance amount in three installments and prayed the maintenance to be reduced.

4.On the side of the respondents, it is stated that even after the passing of the order, the revision petitioner has not come forward to pay any amount towards maintenance. The first respondent filed a petition under Section 128 of Cr.P.C., the revision petitioner failed to make his appearance and that warrant was issued against him in the year 2018. This revision was pending for the past two years and whenever, the petition was taken up for hearing, the petitioner got adjournments. The petitioner is the owner of two Taxies and more than Rs.3,00,000/- is pending as arrears of maintenance and prayed the petition to be dismissed.

5.By way of the reply, on the side of the revision petitioner, it is stated that the car was purchased by the petitioner with financial help and the finance company seized the vehicle for non-payment of the EMI.

6.There is no dispute regarding the fact of marriage. There is no dispute regarding the paternity of the minor respondents. It is admitted seen that the petitioner has purchased a car. There is no proof regarding the seizure of the vehicle by the fiance company. A perusal of the records reveals that admittedly the father of the petitioner is having ancestral land and properties. The petitioner has admitted that he is a driver.

7.In the above circumstances, considering the present day cost of living, there is nothing sufficient enough to interfere in the order of the trial Court. Hence, this Criminal Revision Case is dismissed. The petitioner is directed to deposit the entire arrears amount within a period of six months from the date of receipt of a copy of this order and he is further directed to deposit the monthly arrears amount before the trial Court every month i.e. on or before 5th day of every English Calender month.

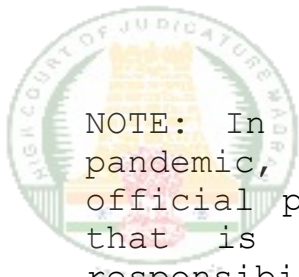
Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

The Judge,
Family Court, Sivagangai.

Copy to:

The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to Mr.K.P.RAMESH, Advocate (SR-6932[F] dated 24/02/2021)

Crl. R.C.(MD)No.403 of 2019
23.02.2021

sjj

AE/ (08/03/2021) 3P / 5C