



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Crl.RC(MD)No. 830 of 2016

Sheik Mohammed

...Petitioner/Respondent

Vs.

1. Thaslima Begum

2. Minor Marsuka

[Represented by her mother/1st respondent herein]

...Respondents/Petitioners

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order, dated 08.09.2016 made in M.C. No.2 of 2016 on the file of the Family Court, Tirunelveli and set aside the same as illegal and allow the above revision petition as prayed for.

For Petitioner : M/s.Rekha for
Mr.R.Gandhi

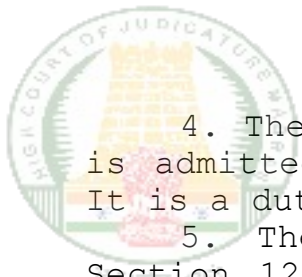
For R-1 : Mr.S.R.A. Rama Chandran

O R D E R

This Criminal Revision Case has been filed by the revision petitioner against the order, dated 08.09.2016 in M.C. No.2 of 2016 passed by the learned Judge, Family Court, Tirunelveli.

2. The respondent/petitioner/wife had filed a petition in M.C.No.2 of 2016 before the learned Judge, Family Court, Tirunelveli, seeking maintenance of Rs.20,000/-p.m., for herself and Rs.10,000/-p.m., for her minor son. The learned Judge, Family Court, Tirunelveli, has partly allowed the petition and the revision petitioner/husband was directed to pay a sum of Rs.6,000/-p.m., for 1st respondent/wife and Rs.4,000/-p.m., for 2nd respondent/minor son. Aggrieved over the said order, dated 08.09.2016, the revision petitioner/husband is before this Court.

3. Heard M/s.Rekha for Mr.R.Gandhi, learned counsel appearing for the petitioner and Mr.S.R.A. Rama Chandran, learned counsel appearing for the 1st respondent.



4. The marriage between the petitioner and the first respondent is admitted and the second respondent is their son also admitted. It is a duty of husband to maintain his wife and minor son.

5. The dominant purpose behind the provisions contained in Section 125 of Cr.P.C., is that the wife and child should not be left in helpless state of distress, destitution and starvation.

6. The revision petitioner has not filed any document to prove that his wife got regular income. She only maintain minor son.

7. Further, by order, dated 30.07.2021, this Court directed the revision petitioner to pay 1/4th arrears of maintenance amount to the respondents, on or before 09.08.2021. But, the revision petitioner has not complied the conditional order of this Court which shows the intention of the revision petitioner/husband.

8. Therefore, the learned Judge, Family Court, Tirunelveli, has rightly passed an order for maintenance. The respondents have not filed any appeal against the quantum of maintenance amount.

9. In view of the above, this Court has no valid reason to interfere with the order passed by the Court below.

10. Finally, this Criminal Revision Case stands dismissed. The order, dated 08.09.2016 in M.C. No.2 of 2016 passed by the learned Judge, Family Court, Tirunelveli, is hereby confirmed. The revision petitioner/husband is directed to pay a sum of Rs.6,000/-p.m., for 1st respondent/wife and Rs.4,000/-p.m., for 2nd respondent/minor son, on or before 5th day of every English Calendar month, from the date of this Criminal Revision case.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

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.

To



2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.GANDHI, Advocate (SR-25931[F] dated 11/08/2021)
Cr1.RC(MD)No. 830 of 2016
10.08.2021

MGJ(19.08.2021) 3P 6C