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Crl.R.C.No.213 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.213 of 2020

and

Crl.M.P.No.1550 of 2020

Devakumar

... Petitioner

Versus

1.Sakthipriya

2.Arunraj

3.Minor Ajayraj

Rep.by next friend/guardian 1st respondent herein

... Respondents

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to call for the records relating to the order dated 09.10.2019 in M.C.No.32 of 2018 on the file of the Family Court, Dharmapuri and set aside the same.

For Petitioner : No appearance

For Respondents : No appearance



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ORDER

The Criminal Revision Case is preferred against the order dated 09.10.2019 passed in M.C.No.32 of 2018 on the file of the Family Court, Dharmapuri.

2. When the matter was taken up for hearing on 14.12.2022, there was no representation for both the petitioner and the respondents and the matter was directed to be listed under the caption "for orders" on 21.12.2022.

3. Today, when the matter is taken up for hearing, there is no representation for both the petitioner and the respondents. Since the matter relates to the maintenance case, this Court is inclined to dispose of the case with available materials.

4. The petitioner is the husband, the first respondent is the wife of the petitioner and the respondents 2 and 3 are their children.



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5. The respondents filed a maintenance case in M.C.No.32 of 2018 on the file of the Family Court, Dharmapuri seeking maintenance. The Family Court, after appreciating the entire materials dismissed the petition in respect of the second respondent/daughter, since on the date of filing of the maintenance case the second respondent attained majority. Further, the Family Court ordered maintenance of a sum of Rs.4,000/- to each of the respondents 1 and 3 herein per month. Aggrieved by the same, the petitioner has filed the present revision case before this Court.

6. As per Section 125 Cr.P.C., the wife, who is unable to maintain herself is entitled to get maintenance from her spouse as well as the children who are unable to maintain themselves are entitled to get maintenance from their parents.

7. Admittedly, the Family Court after appreciating the entire materials found that the petitioner is earning a sum of Rs.12,000/- per month by selling grocery items and a sum of Rs.4,000/- by working as acting driver



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and totally the petitioner was earning a sum of Rs.16,000/- per month.

However, the respondents 1 and 3 are unable to maintain themselves.

Therefore, the Family Court ordered maintenance to the first respondent/wife and third respondent/minor son and dismissed the petition in respect of the second respondent, who is a major daughter.

8. On a perusal of the records, it is seen that the relationship of the parties and the paternity of the children are not in dispute. Since the second respondent attained majority even at the time of filing the maintenance case, she is not entitled to get any maintenance and this Court does not interfere with the order of the Court below for dismissing the petition in respect of the second respondent. Further, the petitioner has not substantiated that the respondents 1 and 3 are able to maintain themselves by way of producing any documentary evidence and hence, the petitioner is liable to pay maintenance to the respondents 1 and 3.



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9. Considering the facts and circumstances and also considering the cost of living as on date and price index has also been raised day-to-day, the maintenance awarded by the Family Court is very reasonable and the same does not require any interference.

10. In the light of the above, this Court does not find any perversity or infirmity in the order passed by the learned Judge, Family Court, Dharmapuri and there is no merit in the revision and the same is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

21.12.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

To
The Judge,
Family Court,
Dharmapuri.



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P.VELMURUGAN, J.

ms

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