



Crl.R.C.No.2 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.2 of 2020

1. V.Vadivu

2. V.Sathishkumar

3. V.Preethi

...Petitioners

(3rd petitioner represented by her
mother and natural guardian the first petitioner)

-Vs-

R.Velmurugan

...Respondent

Prayer: Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order in M.C.No.5 of 2019 on the file of the Judicial Magistrate, Thiruvottiur dated 16.10.2019 and set aside the maintenance in favour of the respondent on 16.10.2019.

For Petitioners : Mr.R.Arunkumar – No Appearance

For Respondent : Mr.K.P.Chandrasekaran



ORDER

WEB COPY First petitioner is wife, respondent is husband and second and third petitioners are son and daughter. The petitioners filed petition in M.C.No.5 of 2019 on the file of the learned Judicial Magistrate, Thiruvottiyur, claiming maintenance of Rs.10,000/- each, but the learned Magistrate ordered maintenance of Rs.10,000/- to the first and third petitioners and rejected maintenance to the second petitioner, aggrieved against which, the present revision is filed.

2 When the matter came up for hearing on 06.12.2022, there was no representation for the petitioners and learned counsel for the respondent was present and the matter was directed to be posted on 13.12.2022 under the caption “for orders.

3 Accordingly, today i.e. 13.12.2022 when the matter is called for hearing, there is no representation on behalf of the petitioners, even though the matter is posted under the caption “for orders”.



4 Hence, since this revision is pending from the year 2020 without any progress and the petitioners are not appearing before this Court either in person or through counsel, this Court is inclined to dispose of the revision on merits based on the materials available.

5 According to the petitioners the respondent had illegal intimacy with one lady and had driven the petitioners out from the matrimonial home and they are residing separately and struggling for their livelihood, since the petitioners are depending on the income of the respondent alone. Therefore they filed a petition seeking maintenance of Rs.10,000/- each.

6 It is the case of the respondent/husband that he is working in the MRF Company as Manager and he purchased property in the name of the first petitioner/wife for a sum of Rs.8,40,000/-. Further in order to develop the property, the respondent put up additional construction adding first floor, availing mortgage loan along with the first petitioner/wife for a sum of Rs.4,72,000/- from the Equitas Bank, but now the respondent alone repaying the EMI. Further to meet out the educational expenses of the



second petitioner/son, the respondent taken hand loan from three parties and now the second petitioner is earning and not depending on the respondent.

The respondent was only looking after the educational expenses of the second and third petitioners. Since the second petitioner attained majority, he is not entitled to get maintenance more so he is earning and not depending on the respondent. Therefore the Court below rightly allowed maintenance for the first and third petitioners alone. Now the petitioners have changed their track and seeking educational expenses for the second petitioner, which is against law.

7 Heard the learned counsel appearing for the respondent and carefully perused the grounds of the revision and the impugned order and other materials available on record.

8 It is seen that relationship of the parties are not in dispute. Admittedly the petitioner is working in the MRF Company. The first petitioner herself stated that she is house wife and dependent of the respondent and therefore the respondent proved the fact that he purchased



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the property in the name of the first petitioner and he is repaying the loan borrowed to purchase the said property. The learned Magistrate after considering all the facts, has rightly awarded maintenance of Rs.10,000/- each to the first and third petitioners and rejected the maintenance for the second petitioner/son, since on the date of filing maintenance case itself he attained majority.

9 Further more, the second petitioner completed graduation and the property also stands in the name of the first petitioner and the petitioners have not produced any contra evidence to disprove the same. Considering the facts and circumstances of the case, this Court does not find any perversity in the order passed by the learned Magistrate. There is no merit in the revision and hence the revision is dismissed.

13.12.2022

Internet: Yes/No
Speaking Order/Non Speaking Order

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To
The Judicial Magistrate, Thiruvottiyur.

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P.VELMURUGAN, J.,
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