



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.415 of 2020

Chandrasekar

... Revision Petitioner/Respondent

Vs.

1.Panju

2.Minor.Balamurugan

... Respondents/Petitioners

(R - 2 represented through his mother/first respondent)

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records pertaining to M.C.No.61 of 2018, dated 12.02.2020 by the Family Court, Sivagangai and set aside the same.

For Petitioner

: Mr.N.Tamil Mani

For Respondents

: Mr.A.Saravanan

ORDER

This revision has been filed challenging the order passed in M.C.No.61 of 2018, dated 12.02.2020 by the Family Court, Sivagangai, thereby ordered maintenance in favour of the respondents 1 and 2.

2.The petitioner got married the first respondent on 29.04.2009. Due to their wedlock, they gave birth to the second respondent. Thereafter, the petitioner and his family members harassed the respondents and they were driven out from the matrimonial home. The first respondent also lodged a complaint before the jurisdictional police station. Therefore, the respondents filed a maintenance case in M.C.No.61 of 2018 before the Family Court, Sivagangai as against the petitioner.

3.On the side of the respondents, the first respondent herself was examined as P.W.1 and marked Ex.P.1 to Ex.P.7 and on the side of the petitioner, he himself was examined as R.W.1 and marked Ex.R.1.

4.On a perusal of oral and documentary evidence, the Court blow ordered maintenance of Rs.3,000/- in favour of the first respondent and also a sum of Rs.3,000/- in favour of the second respondent as monthly maintenance payable by the petitioner.



5.The learned counsel appearing for the petitioner raised two grounds. The first ground is that the first respondent herself deserted the petitioner, immediately two years from the date of marriage. Even till today, the petitioner is ready and willing to join with the respondents. The second ground is that Ex.R.1 marked by the petitioner revealed that the petitioner is going for 100 days employment and as such, he is a coolie and he was not able to pay the maintenance amount as awarded by the Court below.

6.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.

7.On a perusal of the records revealed that the first respondent lodged a complaint for the torture and harassment of the petitioner and his family members. It shows that she was driven out from the matrimonial home and as such, there is no question of desertion by the first respondent. In fact, Ex.P.5 to Ex.P.7 shows that the petitioner and his parents owned agricultural lands.

8.That apart, the award of maintenance of Rs.3,000/- each to the respondents is very meagre and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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
The Judge, Family Court,
Sivagangai.

Copy to:

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

+1 CC to M/s.A.SARAVANAN, Advocate (SR-16239[F] dated 04/04/2022)

+1 CC to M/s.N.TAMILMANI, Advocate (SR-16427[F] dated 04/04/2022)

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MGJ(12.04.2022) 2P 6C

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