



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.978 of 2021

and

Crl.M.P(MD)No.11979 of 2021

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T.Kumaresan

... Petitioner/Respondent

Vs.

1.Banu Santhini @ Pandeewari

2.Sathuragiri (Minor)

3.Krishanth (Minor)

... Respondents/Petitioners 1 to 3

(RR 2 & 3 represented by R.1)

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records in M.C.No.7 of 2019 on the file of the Family Court, Srivilliputhur, dated 26.10.2021 and set aside the same.

For Petitioner

: Mr.R.Venkatesan

For Respondents

: Mr.M.Jothi Basu

ORDER

This revision has been filed as against the order passed in M.C.No.7 of 2019 dated 26.10.2021, on the file of the Family Court, Srivilliputhur, thereby ordered maintenance in favour of the respondents each at Rs.2,000/- per month payable by the petitioner herein.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The petitioner got married the first respondent on 17.09.2015. Further, there was misunderstanding between them. In the mean time, the petitioner developed illegal intimacy with another girl by name Muthupriya. Therefore, the first respondent has lodged a complaint. The respondents were driven out from the matrimonial home and the petitioner deserted them. Hence, the respondents filed a petition for maintenance as against the petitioner in M.C.No.7 of 2019 on the file of the Family Court, Srivilliputhur. According to the respondents, the petitioner is a business man and he is earning more than Rs.50,000/- per month. In fact, his sisters got married and settled in abroad.



4.On the side of the respondents, the first respondent herself was examined as P.W.1 and marked Exs.P.1 to P.5 and on the side of the petitioner, he himself was examined as R.W.1 and marked Exs.R.1 and R.2.

5.On perusal of the oral and documentary evidences, the Court below ordered a sum of Rs.2,000/- as monthly maintenance to each of the respondents payable by the petitioner.

6.The learned counsel appearing for the petitioner would submit that the petitioner is an agricultural coolie and he has no income to comply the order passed by the Court below. Though his sisters got married and settled in abroad, he could not able to pay the maintenance amount, since he has to maintain his aged parents.

7.Admittedly, the petitioner and the first respondent gave birth to the second and third respondents and they are minor children aged about 7 and 5 years respectively. The petitioner, being the father, is duty bound to maintain them till they attained majority. In fact, the petitioner also filed a petition for divorce and it was allowed and granted divorce. Therefore, the petitioner is duty bound to maintain the respondents herein. The Court below ordered only a sum of Rs.2,000/- as monthly maintenance each to the respondents and it is very meagre and as such, this Court finds no illegality or irregularity in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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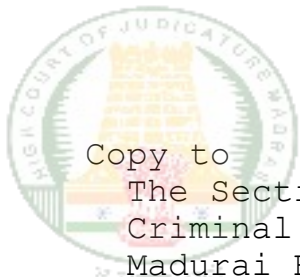
Note :

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,
Srivilliputhur.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-14004[F] dated 24/03/2022)

+1 CC to M/s.R.VENKATESAN, Advocate (SR-14027[F] dated 24/03/2022)

Crl.R.C (MD) No. 978 of 2021
23.03.2022

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