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Crl.R.C.No.1349 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1349 of 2023 and
Crl.M.P.No.11226 of 2023

Stephen Savarinathan Mariyaprakasam

... Petitioner

Vs.

1. Minor.Ardhar Henry Mores
2. Minor/Francis Alan Simson
(1st and 2nd Minors represented
by Natural Guardian Mother -Geetha)

... Respondent

Prayer : Criminal Revision filed under Section 397 & 401 of Criminal Procedure Code 1973, to set aside the order, dated 12.06.2023 passed in FC.MC.No.07 of 2022 by the Family Court, Ariyalur.

For Petitioner : Mr.N.Elayaraja

ORDER

Challenging the orders dated 12.06.2023 passed in F.C.M.C.No.07 of 2022 by the Family Court, Ariyalur, the present Criminal Revision is filed by the petitioner.



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2. The revision petitioner is the father and the respondents are minor children of the revision petitioner. The present respondents filed F.C.M.C.No.07 of 2022 under Section 125 of Cr.P.C., seeking maintenance of Rs.10,000/- per month for each of them.

3. The brief fact of the case in a nutshell is as follows:

The revision petitioner and the mother of the respondents got married as per Hindu rites and customs on 04.10.2013 and out of the said wedlock the respondents herein were born. According to the mother of the respondents, the present revision petitioner was leading a wavering life and also treated her cruelly. It is also her contention that the present revision petitioner did not take care of the family which forced her to take a temporary job. It is her further contention that the present revision petitioner is working as a Grade I Constable in Central Prison, Trichy, earning a sum of Rs.32,000/- per month. She, therefore prayed for monthly maintenance of Rs.10,000/- for each of her children.



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4. The present revision petitioner filed a detailed counter in the trial Court, denying the allegations of the mother of the respondents. After considering the rival submissions, the trial Court directed the present revision petitioner to pay a sum of Rs.6,500/- per month to each of the respondents herein till they attain majority and also directed to pay a sum of Rs.5,000/- towards litigation expenses.

5. Mr.N.Elayaraja, learned counsel for the petitioner contended that the present revision petitioner, before passing of the order in FCMC No.07 of 2022, met with a road accident on 05.04.2020 and sustained grievous injuries and that he is continuously on medical leave. It is also his contention that the present revision petitioner is taking treatment for his psychological problems, spending a sum of Rs.15,000/- p.m. He therefore prayed for allowing this revision petition.

6. It is pertinent to point out that though the petitioner states that he met with an accident on 05.04.2020, he did not adduce any evidence before the trial Court in this regard. However, a perusal of the



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discharge summary issued by Ganga Hospital, Coimbatore filed with the typed set of papers before this Court shows that the revision petitioner was admitted on 25.04.2022 to remove 'the implant T4-T9 and Derotational screw exit left hip'. It is further mentioned in the discharge summary that the Neurological condition of the present revision petitioner is normal. The present revision petitioner is working as Grade II Constable in Central Prison, Trichy, earning a sum of Rs.32,000/- per month. It is not his case that he was on loss of pay during treatment.

7. Considering the financial status of the present revision petitioner and also the respondents' mother, granting maintenance of Rs.6,500/- each per month for the minor children is perfectly in order. Hence, I do not see any reason to interfere with the orders passed by the Family Court, Ariyalur. Accordingly, the Criminal Revision is dismissed. Consequently, connected miscellaneous petition is closed.

03.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum



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WEB COPY To

The Family Court,
Ariyalur.



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R. HEMALATHA, J.

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