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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 04/01/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.RC(MD)No.333 of 2021

D.Karthick : Petitioner/Respondent

Vs.

Minor D.K.Dayasankar
represented by his Mother
and natural Guardian
K.Nandini

: Respondent/Complainant

Prayer:- This Criminal Revision has been filed under section 397(1) r/w 401 of the Criminal Procedure Code, to call for the records and set side the order, dated 26/02/2021 passed in MC No.132 of 2017 on the file of the Family Court, Tiruchirappalli.

For Petitioner : Mr.K.K.Ramakrishnan
for Mr.K.Veilmuthu

For Respondent : Mr.N.Sathish Babu

O R D E R

This criminal revision has been filed seeking to set aside the order, dated 26/02/2021 passed in MC No.132 of 2017 on the file of the Family Court, Tiruchirappalli.

**2. The facts in brief:-**

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The marriage between the revision petitioner and the mother of the respondent took place on 05/12/2011 as per their customary rites. A child who is the respondent herein was born on 27/11/2012. at the time of the birth, the mother of the respondent namely the wife of the revision petitioner was working as pharmacist in the Indian Defence Department and the revision petitioner herein is working in the Central Government Department. Right from the conception of the child, the revision petitioner alleged to have tortured to abort the child. After the birth of the child, the revision petitioner did not take any steps to take them to the matrimonial home. On that ground, seeking maintenance amount, the respondent filed petition through his mother.

3. That was resisted by the revision petitioner stating that he is ready to take care of the child. Right from the birth of the child, the wife was insisted upon separate house. In 2013 November she took the respondent to her parental home and after compromise, she returned to the matrimonial home. More-over, it is also



stated that the wife is earning Rs.70,000/- per month as monthly salary. She is also having other properties. So she can also take care of the child.

4.At the conclusion of the trial, the trial court after finding that both the parties are well placed in the life and earning sufficiently in their department and accordingly, Rs.10,000/- was awarded as monthly maintenance. So challenging the above said, this criminal revision has been preferred by the father.

5.At the time of argument, the learned counsel appearing for the revision petitioner would straightaway rely upon the judgment of the Hon'ble Supreme Court in the case of **Rajnesh vs. Neha and another [(2021)2 SCC 324]** for the purpose of argument that when both the parties are employed, earning and well placed in their life both of them must share the maintenance of the child. There can be no quarrel on that proposition and no quarrel can also be made. The above said judgment has been uniformly followed in all cases, which is binding precedent. Taking note of this proposition only, the trial court has passed the order. In the relevant portion



6.The contention of the revision petitioner is



that he has to take care of his old mother and other liabilities cannot be taken into account at all since, as already stated the mother is getting family pension and she is not depending upon the revision petitioner for her life. Being the father also well placed in the society, he must very generous in making all the amenities available to the child. So the very filing of the revision, in the considered view of this court, is wholly misplaced and deserves no consideration at all.

7.In the result, this criminal revision is **dismissed.**

04/01/2023

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To,



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G . ILANGO VAN , J



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04/01/2023



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