



Crl.R.C.(MD).No.369 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

Crl.R.C(MD).No.369 of 2023

and

Crl.M.P(MD).No.5393 of 2023

John Vasantha Kumar

... Petitioner

Vs.

1.Jakulin Tennis

2.Minor Jerlin Oviya

... Respondents

(The minor second respondent is represented by her mother and Natural Guardian namely, the 1st respondent herein)

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records and set aside the order passed in M.C.No. 64 of 2021 on the file of the Family Court, Sivagangai, dated 08.02.2023.

For Petitioner : Mr.R.Balakrishnan

For respondents : Mr. S. Sankar

ORDER

This Criminal Revision has been filed to call for the records and set aside the order, dated 08.02.2023 passed in M.C.No.64 of 2021 on the file of the Family Court, Sivagangai.



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2. Petitioner married the 1st respondent on 29-04-2001. out of the wedlock , 2nd respondent was born on 4-3-2003. Thereafter, some disputes arose between the petitioner and 1st respondent. Therefore 1st respondent left the matrimonial home and is living with her parents. She made a complaint before the jurisdictional police station and the petitioner undertook to pay the monthly maintenance of Rs.10,000. But he has not made agreed monthly maintenance. Hence the respondents filed maintenance case before the Family Court, Sivagangai in M.C.No. 64 of 2021. During the pendency of the said M.C., the matter was referred to the conciliation Centre, attached with Sivagangai District Court . In the Conciliation proceedings, the petitioner has agreed to pay a sum of Rs.10,000/- as monthly maintenance. Thereafter, the said order was not complied with. Hence the learned trial Judge decided the matter on merits on appreciation of pleadings, evidence and documents adduced on the side of 1st respondent and awarded a sum of Rs.10,000/- as monthly maintenance from the date of petition. Challenging the same, husband /petitioner filed this revision.

3.1. The learned counsel appearing for the petitioner raised the sole point that in the conciliation order, there is no reference to the date



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of granting maintenance and hence, he seeks indulgence of this Court to pass an order to deposit the maintenance amount from the date of order passed in M.C.No.64 of 2021.

3.2. The learned counsel for the respondent submitted that the order was not passed on the basis of conciliation report. The learned trial judge considered the evidence PW1 and PW2 and the documents adduced by the 1st respondent and granted maintenance from the date of the petition. The same was in accordance provision of the Section 125 Cr.P.C. Hence he seeks for dismissal of this revision.

4. I have heard the learned counsel appearing on either side and perused the materials on record.

5.1. The petitioner admitted the relationship. The learned trial Judge on appreciation of the evidence, came to the conclusion that petitioner received salary of Rs.36,000 per month. He also has immovable property. And hence he has sufficient means to pay the monthly maintenance Rs.10,000 to the respondents. Therefore the learned trial judge correctly granted total maintenance of Rs.10,000 to



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the respondent from the date of petition following the principle laid down Hon'ble Supreme Court in Rajnesh v. Neha (Manu/SC/0833/2020).

5.2. Since the learned trial judge granted maintenance independently without getting influenced by the conciliation report, the submission of the learned counsel for the petitioner that maintenance to be granted from the date of the impugned award is liable to be rejected.

6. The learned Trial Judge considering the status of the petitioner and taking into consideration that 1st respondent / wife has no income source has passed a detailed order awarding a sum of sum of Rs.10,000/- per month from the date of petition till the date of deposit and hence, this Court does not find any merit in the arguments of the petitioner.

7. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is closed.

17.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp



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To

- 1.The Family Court,
Sivagangai.
- 2.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN. J.,

trp

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