



Crl.R.C(MD)No.26 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.26 of 2019
and
Crl.M.P(MD)No.1152 of 2019**

A.Joseph Charles ... Petitioner/Respondent

Vs.

1.Sakthidevi
2.Gabriel Mariya Nova
3.Issac ... Respondents/Petitioners

(RR 2 & 3 are minors and they are represented
through their mother and next guardian
the first petitioner herein)

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records of the Family Court, Madurai in M.C.No.100 of 2014 and set aside the order, dated 19.11.2018.

For Petitioner : No appearance

For R – 1 : Mr.S.Venkatesh



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ORDER

This revision has been filed as against the order passed in M.C.No.100 of 2014 on the file of the Family Court, Madurai, thereby ordered maintenance in favour of the respondents 2 and 3 herein.

2.The petitioner got married to the first respondent on 23.08.2009. Due to their wedlock, gave birth to two children, namely, respondents 2 and 3 herein. Thereafter, there was a misunderstanding between the petitioner and the first respondent and as such, the respondents were driven out from the matrimonial home. The first respondent along with their children was staying with her parents and as such, she could not able to maintain herself. Hence, she filed a maintenance petition under Section 125 of Cr.P.C. in M.C.No.100 of 2014 on the file of the trial Court.



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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.9 and on the side of the petitioner, he had examined D.W.1 and D.W.2 and no documents were marked.

4.On perusal of the oral and documentary evidence, the trial Court dismissed the maintenance petition as against the first respondent and ordered maintenance of Rs.6,000/- each to the respondents 2 and 3 herein per month. Aggrieved by the same, the present revision.

5.On perusal of the materials available on record revealed that the petitioner admitted that he is earning nearly one lakh per month from his father's business in the guardianship original petition claiming the custody of respondents 2 and 3 herein. It shows that the petitioner is a businessman and doing business along with his father. He is capable to pay a reasonable maintenance amount. Therefore, on the strength of the evidence, the trial Court ordered maintenance of Rs.6,000/- each to



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respondents 2 and 3 herein. Even till today, they are minors studying in schools. Therefore, the maintenance ordered by the trial Court is just and fair, and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

12.06.2023

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



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To

The Family Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
Crl.R.C(MD)No.26 of 2019

12.06.2023