



Crl.R.C(MD)No.50 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.R.C(MD)No.50 of 2019
and
Crl.M.P(MD)No.1338 of 2019**

J.Sellapandian

... Petitioner

Vs.

1.R.Selvarani

2.C.Sathiyapriya @ Jeevajothi

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 03.05.2018 made in M.C.No.2 of 2018 on the file of the Family Court, Karur and set aside the same.

For Petitioner : Mr.A.Chandrakumar

For Respondent : Mr.A.C.Asaithambi

ORDER

This revision has been filed as against the order of maintenance in M.C.No.2 of 2018 on the file of the Family Court, Karur, dated 03.05.2018, thereby ordering monthly maintenance of Rs.5,000/- in favour of the first respondent and Rs.5,000/- in favour of the second



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respondent herein.

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2.The case of the respondents is that the petitioner is the husband and the first respondent is the wife. They got married and gave birth to one female child and one male child. However, the petitioner had illegal intimacy with another lady and harassed the first respondent. He also demanded huge dowry and the wife and the children were driven out of the matrimonial home. That apart the petitioner also filed a divorce petition in H.M.O.P.No.190 of 2001. Thereafter, the respondents could not able to maintain themselves and filed a petition under Section 124 of Cr.P.C., in M.C.No.30 of 2003 on the file of the learned Chief Judicial Magistrate, Karur.

3.The trial Court ordered maintenance of Rs.250/- in favour of the first respondent and other two children were awarded Rs.500/- each as monthly maintenance payable by the petitioner herein. In the year 2017, the first respondent wife and second respondent female child have filed a petition in M.C.No.2 of 2018 under Section 127 of Cr.P.C., for enhancement of the maintenance before the trial Court.



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4.On the side of the respondents, the first respondent herself was examined as P.W.1 and C.Sathyapriya @ Jeevajothi was examined P.W.2 and marked Ex.P.1 to 5 and on the side of the petitioner, he himself was examined as D.W.1 and marked Ex.P.1 and 2 and one document was marked as Ex.X.1.

5.On perusal of the oral and documentary evidence, the trial Court ordered maintenance of Rs.5,000/- in favour of the first respondent and Rs.5,000/- in favour of the second respondent as monthly maintenance payable by the petitioner herein and allowed the petition. Challenging the same, the present revision.

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

7.It is seen from the records that the respondents marked the salary certificate of the petitioner as Ex.P5. The petitioner is working as



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Assistant in the Tamil Nadu State Transport Corporation and he is drawing a reasonable salary. Thereafter, he got married to 2nd wife and she is also employed as Police Constable. Therefore, he need not maintain his 2nd wife. The respondents are being not able to maintain themselves. It is also made clear that the second respondent is entitled for maintenance till her marriage. The Courts below rightly awarded maintenance for a sum of Rs.5,000/- each. This Court finds no infirmity or illegality in the order passed by the Court below.

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

20.06.2023

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



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To

The Judge, Family Court, Karur.



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G.K.ILANTHIRAIYAN, J.

Mrn

Order made in
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20.06.2023