



Crl.R.C.(MD)Nos.93 & 810 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)Nos.93 & 810 of 2019
and
Crl.M.P.(MD)No.1849 of 2019

Crl.R.C.(MD)No.93 of 2019

D.Jagannathan

... Petitioner

Vs.

1.Shanthi

2.Minor Rishikumar

... Respondents

(The Second Respondent through his mother/First Respondent)

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order in M.C.No.2 of 2015 on the file of the learned Family Court, Dindigul dated 22.10.2018 and set aside the same.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.J.Lawrance



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WEB CC **Crl.R.C.(MD)No.810 of 2019**

1.Shanthi

2.Minor.Rishikumar

... Petitioners

(2nd petitioner through his mother/first petitioner)

Vs.

Jegannathan

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order dated 22.10.2018 made in M.C.No.2 of 2015 on the file of the Family Court, Dindigul in so far as it relates to the date of payment of maintenance i.e. from the date of order of the above petition concerned and to direct the respondent to pay maintenance from the date of filing of the above petitioner i.e. 07.01.2015.

For Petitioners : Mr.J.Lawrance

For Respondent : Mr.S.Sarvagan Prabhu



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COMMON ORDER

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Both the revisions have been filed as against the order dated 22.10.2018 in M.C.No.2 of 2015 on the file of the Family Court, Dindigul.

2.The petitioner in Crl.R.C.(MD)No.93 of 2019 is the husband of the first respondent therein. The second respondent is their son. They got married on 14.02.2003. Out of the wed-lock, they blessed with the second respondent on 04.06.2004. Due to huge demand of dowry, there was harassment by the husband and as such, the respondents were driven out from the matrimonial home. Therefore, they could not maintain themselves and hence, they filed maintenance petition under Section 125 Cr.P.C. In order to substantiate their contention, they had examined P.W.1 and marked Ex.P.1 to Ex.P.11. The petitioner/husband had examined himself as R.W.1 and marked Ex.R.1 to Ex.R.11. On perusal of oral and documentary evidence, the trial Court found that the respondents are eligible to receive maintenance of Rs.10,000/- each per month payable by the petitioner/husband. However, it was ordered from the date of order. Aggrieved over the same, the petitioner/husband



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preferred revision in Crl.R.C.(MD)No.93 of 2019. At the same time, the respondents in the said revision, filed revision in Crl.R.C.(MD)No.810 of 2019 on the ground that the maintenance ought to have been ordered from the date of petition.

3.On perusal of records revealed that in order to prove the income of the petitioner/husband, the respondents marked salary certificate of the petitioner as Ex.P.4. The pension particulars of the petitioner/husband were marked as Ex.P.6 to Ex.P.10. Ex.P.11 is the proof of commutation of pension. In order to deny the claim of the wife and son, the petitioner/husband did not mark substantiate document to disprove the case of the respondents. Considering those documents, the trial Court ordered maintenance of Rs.10,000/- and the second respondent is entitled for maintenance till his attainment of majority. Since the first respondent/wife is receiving Rs.8,100/- from the petitioner as ordered by the Family Court, the trial Court rightly came to a conclusion that the respondents are entitled for maintenance only from the date of order. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.



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Consequently, connected miscellaneous petition is closed.

14.06.2023

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

To

The Family Court, Dindigul



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G.K.ILANTHIRAIYAN,J.

gns

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