



WEB COPY



Crl.R.C.(MD).No.827 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

CORAM

**THE HONOURABLE MR. JUSTICE G.ILANGO VAN**

**Crl.R.C.(MD).No.827 of 2022**  
**and Crl.M.P.(MD).No.10286 of 2022**

Senthil Velan

... Petitioner

*Vs.*

1.Kanchanadevi  
2.Minor Lakshmi Priya  
3.Minor Sai Sanjeevi Kumar

... Respondents

(2<sup>nd</sup> and 3<sup>rd</sup> respondent are minors represented by their mother and natural guardian namely the 1<sup>st</sup> respondent.)

**PRAYER:** This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order dated 30.05.2022, made in M.C.No.10 of 2021, on the file of the Family Court, Thanjavur.

For Petitioner : Mr.G.Senthil Murugan

For Respondents : Mr.M.Balu

**ORDER**

This Criminal Revision Case has been filed against the order dated 30.05.2022, made in M.C.No.10 of 2021, on the file of the Family Court,



Thanjavur.

WEB COPY



Crl.R.C.(MD).No.827 of 2022

2.The facts in brief:

The marriage between the parties took place on 10.03.2003 as per their customary rites. At the time of marriage as usual the wife was provided with sufficient jewels, seervarisai etc. later they started living in a separate house as a tenant. One Sulaiman, who was the friend of the husband, came to the house on one day and at that time, the husband was not available. But when the above said Sulaiman provided with tea, the husband entered into the house and started making trouble suspecting her conduct. On 22.12.2004, a female child was born. Later a male child on 07.08.2007. Even after the birth of the children torture continued and her in-laws were also supporting the husband. When the above said activity was questioned, she was assaulted and driven by her in-laws. She lodged a complaint with All Women Police Station, Thanjavur. In the enquiry, the husband was advised to correct himself. Now along with two children she is living in a pathetic condition. So making complaint that no proper maintenance was provided, she again lodged a complaint in All Women Police Station, Thanjavur. That was also enquired in C.S.R.No.89 of 2019. After the above said enquiry, he was paying Rs.2,000/- each to the children. The husband is



Crl.R.C.(MD).No.827 of 2022

working as Contractor of electrical and plumbing work, getting not less than Rs.30,000/- per month. Apart from that he is also having one shop. So claiming maintenance amount of Rs.30,000/- the above said petition was filed.

3.That was resisted by the husband stating that there was no permanent job for him and occasionally may do plumbing and electrical work. The trouble started between them over a petty issue. Only the wife was behaving improperly and also used to threaten that she will commit suicide. Apart from that he is also paying monthly maintenance to the children and he has also bearing medical and educational expenses. The wife is doing job typing works with advocates. She has also owning a shop and getting monthly rent amount. He has also suffering from several ailments and he is also not having any permanent income.

4.At the conclusion of the enquiry, the trial Court ordered payment of Rs.2,000/- to the wife and Rs.5,000/- each to the children. Apart from that educational expenses and festival expenses was also ordered to be paid yearly as Rs.5,000/- each. Challenging the above said order this revision has been preferred by the husband.



Crl.R.C.(MD).No.827 of 2022

5. Reading of the order of the trial Court shows that the marriage as well as the birth of the two children admitted. Allegation and counter allegations only have been made and nothing have been substantiated. The wife says that suspecting her fidelity, the husband was making trouble and they were residing separately behind the house of the revision petitioner. In spite of that they were not having any contact. When enquiry was undertaken by the police, the revision petitioner undertooks to pay Rs. 4,000/- as monthly maintenance to the children. So far as the wife is concerned, he did not make any payment. It is contended by the revision petitioner that the wife is working as a typist by doing job works in the office of advocates and earning sufficiently. Absolutely, there is no evidence on record to show the above said work of the wife. He has also produced only the payment receipt towards the educational expenses. Apart from that nothing has been produced.

6. Even though in the petition, it has been stated that the petitioner and the children are residing behind the house of the respondent, in the finding portion, it has been stated that all are living together in the same house. When that is being so, the husband ought to have undertaken all the steps for amicable settlement. Living in the same house and refusal to maintain



Crl.R.C.(MD).No.827 of 2022

the children and wife can be construed as wilful. On that single ground the payment of maintenance that has been ordered by the trial Court cannot be found fault.

7. Even though the counsel for the petitioner would submit that the job of the revision petitioner was not properly proved, but the fact remains that he has admitted himself that he is an electrician and plumber by profession and according to him, there was no permanent income. But, it cannot be taken into account. The electrician or a plumber is getting income not less than Rs.900/- per day in the present wage system. Therefore, I find no reason to interfere with the above said order.

8. Accordingly, this criminal revision petition stands dismissed. Consequently, connected miscellaneous petition is closed.

**14.02.2023**

Index : Yes / No  
Internet : Yes / No  
TM

To

1. The District Judge, Family Court, Thanjavur.

**G.ILANGOVAAN,J.**



WEB COPY



**Crl.R.C.(MD).No.827 of 2022**

TM

**Crl.R.C.(MD).No.827 of 2022**

**14.02.2023**