



Crl.R.C(MD)No.781 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.781 of 2016

Kumar @ Madurai Veeran

...Petitioner

Vs.

1.Pandiselvi

2.Minor Dhanyadhiya

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the fair order in M.C.No.69 of 2015, dated 15.07.2016 on the file of the Family Court, Srivilliputhur and set aside the same as illegal.

For Petitioner : Mr.A.John Vincent
For Respondents : No Appearance

ORDER

The Petition has been filed to set aside the order in M.C.No.69 of 2015, dated 15.07.2016 on the file of the Family Court, Srivilliputhur.

2.The first respondent got married with the petitioner herein on 25.10.2009. She gave birth to the second respondent on 09.01.2011.



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However, there was a misunderstanding between them and as such the first respondent got separated from the petitioner and living separately.

The first respondent could not able to maintain herself and filed a petition for maintenance under Section 125 of Cr.P.C.

3. According to the respondents, the petitioner is a construction contractor and he is earning more than Rs.50,000/- per month. However, the respondents failed to prove the same by any piece of evidence. Whereas, the case of the petitioner is that he is suffering from spinal cord and he is bed ridden. He is not earning any money as alleged by the respondents. As such, he could not able to maintain the second respondent herein. In fact, while pending maintenance petition, the first respondent was appointed as Village Administrative Officer. Therefore, her maintenance petition was dismissed as withdrawn before the trial Court itself. However, the petitioner has also complied with the condition imposed by this Court while granting stay, thereby, deposited 50% of arrears of maintenance to the credit of M.C.No.69 of 2015 on the file of the Family Court, Srivilliputhur. However, the petitioner is being the father, he has to maintain his own daughter, till she attains majority. Admittedly, the first petitioner got employment as Village



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Administrative Officer. That apart, the petitioner has filed a petition for divorce and the same was pending before the Family Court in HMOP.No.1825 of 2014. This Court is of the view that the first respondent and the petitioner can care the second respondent herein.

4. Therefore, the maintenance amount of Rs.5,000/- awarded in favour of the second respondent in M.C.No.69 of 2015, dated 15.07.2016 on the file of the Family Court, Srivilliputhur, is hereby reduced to Rs.2,500/- payable by the petitioner herein till the second respondent attains majority.

5. Accordingly, this Civil Revision Case is partly allowed.

06.03.2023

NCC : Yes/No
Index : Yes / No

vsd

To

The Family Court,
Srivilliputhur



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G.K.ILANTHIRAIYAN, J.

vsd

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