



Crl.R.C.No.521 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.521 of 2022
And
Crl.M.P.No.5247 of 2022**

P.Baskaran

... Petitioner

Vs.

1.Kavitha @ Parveen Mariya
2.B.Seenu (Minor)
3.B.Harini (Minor)

(Respondents 2 and 3 represented
by their Mother and Guardian the
first respondent herein)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, seeking to set aside the order dated 22.12.2021 made in M.C.No.497 of 2016 on the file of the VII Additional Family Court, Chennai and to allow the above criminal revision petition.

For Petitioner : Mr.K.Anandharaja

O R D E R

The criminal revision case has been filed seeking to set aside the



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order dated 22.12.2021 passed in M.C.No.497 of 2016 by the VII Additional Family Court, Chennai.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife and the respondents 2 and 3 are their children. The first respondent is a Muslim by birth and subsequent to the affair with the petitioner, she converted to Hinduism and changed her name as Kavitha. Initially the family members of the petitioner objected the petitioner's marriage with the first respondent and after her conversion, their marriage was solemnized on 03.02.2001 at Vadapalani Andavar Temple and were blessed with three children. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.497 of 2016 before the VII Additional Family Court, Chennai claiming a sum of Rs.25,000/- as monthly maintenance. The Court below partly allowed the maintenance case and directed the petitioner to pay a sum of Rs.30,000/- (Rs.10,000/- each) as monthly maintenance from the date of the petition i.e., 30.11.2016. Challenging the same, the present revision has been filed.



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3.The learned counsel for the petitioner submitted that the petitioner is working as a broker in the RTO Office and earn a meagre amount of Rs.15,000/- to Rs.20,000/-, hence, forcing the petitioner to pay a sum of Rs.30,000/- towards monthly maintenance is not sustainable. Though the petitioner own a house at Neelangarai, it is in dilapidated condition. The learned counsel further submitted that the respondent on her own left the shared household at Pallikaranai along with two children and further submitted that the elder daughter is residing along with the petitioner and is pursuing C.A. and with the meagre income, he has to take care of himself and his elder daughter.

4.Heard the learned counsel appearing for the petitioner. Though the revision has been filed during the year 2022 and notice has been ordered on 21.04.2022, till date, the petitioner has not taken any steps to serve notice on the respondents. However, considering the pendency of the case, this Court is inclined to dispose of the case based on the materials available on record.

5.The facts of the case and the relationship between the parties is not disputed. The petitioner in his counter before the Court below has not stated anything against the first respondent with regard to



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adultery or refused to live without sufficient reason in terms of Section 125 (4) of Cr.P.C. The parties are living at Chennai and a minimum amount of Rs.10,000/- each is required for living in Chennai. The petitioner own two houses, one at Pallikaranai and another at Neelankarai. The Court below, after considering all the aspects has awarded a just and reasonable amount towards maintenance, which warrants no interference.

6.In view of the above, this revision is dismissed. However, if there is any proof available with the petitioner as against the first respondent, in terms of Section 125 (4) of Cr.P.C., the petitioner is granted liberty to work out the remedy in the manner known to law. Consequently, the connected miscellaneous petition is closed.

18.04.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The VII Additional Family Court,
Chennai.

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