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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.RC.No.1396 of 2023

Srinivasan

... Petitioner

-Vs-

1. Indhu

2. Minor Hemasri

3. Minor Poornimasri

Respondents 2&3 minors rep. by
natural guardian and mother

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order dated 15.02.2023 made in M.C.No.30 of 2021 passed by the Family Court, Dharmapuri.

For petitioner : Mr.J.Prakasam

For Respondents : No appearance

ORDER

The Criminal Revision is filed against the order dated 15.02.2023 made in M.C.No.30 of 2021 passed by the Family Court, Dharmapuri.

2. The revision petitioner is the husband and the first respondent is his wife and the respondents 2 & 3 are their children. The marriage between the petitioner and the first respondent had taken place on 05.09.2005 at Kottai Koil, Dharmapuri. Out of the wedlock, the respondents 2 & 3 were born. Due to misunderstanding between the



couples, they were living separately. Thereafter, the petitioner/husband filed a divorce petition and the first respondent/wife filed a petition for restitution of conjugal rights.

During pendency of the petitions, the respondents filed a maintenance case claiming a sum of Rs.20,000/- per month to respondents and Rs.2,00,000/- per annum. The same was taken on file in MC.No.30 of 2021 and the learned Judge, after hearing both sides, allowed the divorce petition in part and the petitioner was directed to pay a sum of Rs.5000/- each per month to the respondents and Rs.25,000/- each per annum for medical expenses of the first respondent and Rs.50,000/- per annum for educational and medical expenses of the respondents 2 & 3. Challenging the said order passed by the learned Family Court Judge, the petitioner has filed the present Criminal Revision before this Court.

3. The learned counsel for the petitioner submitted that the petitioner was thrown out of the matrimonial home due to the physical and mental cruelty caused by the first respondent. The Family Court ought to have held that the adultery against the first respondent is proved by the petitioner by considering the oral and documentary evidence. Hence, the order of the Family Court is liable to be set aside. The petitioner is working in the TASMACH shop and he is earning very meager amount as salary. But the Family Court erred in ordering exorbitant maintenance to the respondents without considering entire fact, which is unfair. Therefore, the learned counsel prays to allow the present petition.

4. Heard the learned counsel for the petitioner and perused the materials



Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No
rli

To

The Additional Family Court, Dharmapuri.



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M.DHANDAPANI,J.

Rli

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