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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.1186 of 2024
and Crl.MP.No.9997 of 2024

K.Venkatesan

... Petitioner

Vs

1. G.Viji
2. Minor Suruthiksha
(R2 Rep. By her mother first respondent)

... Respondents

PRAYER: Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code, against the order in MC.No.9 of 2019 on the file of the learned Judge, Family Court, Cuddalore order dated 24.11.2023.

For Petitioner : Mr.Kalakendran

ORDER

This Criminal Revision case has been filed against the order in MC.No.9 of 2019 on the file of the learned Judge, Family Court, Cuddalore order dated 24.11.2023.

2. The case of the respondent is that the Revision Petitioner is husband and the first respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 06.02.2009 as per Hindu Rites and Customs. Out of the wedlock, the second respondent was born. After the marriage, due to difference of opinion, the petitioner and the first respondent were living separately. Thereafter, the petitioner filed a divorce petition on the ground of



respondent filed a maintenance case under Section 125 of Cr.P.C., claiming a sum of Rs.30,000/- per month to the respondents and a sum of Rs.5,00,000/- per annum for other expenses. After adjudication, the learned Judge has allowed the petition in part and awarded a sum of Rs.10,000/- per month to the second respondent and rejected the claim made by the first respondent. Challenging the said order, the petitioner herein has filed the present Revision before this Court.

3. The learned counsel appearing on behalf of the petitioner submitted that at present the petitioner is jobless and he is not having sufficient means to maintain himself. The order passed by the learned Judge, Family Court, is highly exorbitant. This Court may set aside the same.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Since no adverse order is passed against the respondents and hence, the presence of the respondents are dispensed with. Considering the pendency of the revision, this court is inclined to dispose of the same based on the available records.

5. It is admitted that the first respondent is the wife of the petitioner and second respondent is their child. The marriage between the petitioner and the first respondent has also admitted and paternity of the child is also admitted.

The petitioner filed a divorce petition on the ground of cruelty before the Family



court, Cuddalore and the same was granted in favour of the petitioner. The learned Judge has rejected the maintenance as against the first respondent, which is perfectly in order and ordered maintenance in respect of a daughter. It is shock and surprise that the petitioner has filed the present revision as against the maintenance awarded by the second respondent who is her daughter. As a dutiful father, the revision petitioner is liable to pay the maintenance to the second respondent under Section 125 Cr.P.C.

6. Considering the cost of living prevailing as on date, this Court is not inclined to interfere with the order passed by the Family Court.

The petitioner is directed to pay the maintenance to the second respondent on or before 5th day of every English Calendar month without any default and pay the entire arrears to the second respondent within a period of four weeks from today, less the amount, if any, already deposited.

7. With the above directions, the revision is dismissed.

10.07.2024

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M.DHANDAPANI,J.

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Index:Yes/No

Speaking Order/Non speaking order

rli

To

The Family Court, Cuddalore.

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