



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.RC.No.753 of 2024
and Crl.Mp.No.7023 of 2024

Manikandan

... Petitioner

-Vs-

1. Ambika
2. Minor Charan
(Rep. By Natural Guardian
Mother, first respondent)

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to allow the above Criminal Revision Petition by setting aside the order dated 06.04.2023 made in MC.No.33 of 2020 on the file of the Family Court, Dharmapuri.

For petitioner : Mr.V.Sakkarapani

ORDER

The Criminal Revision is filed against the order dated 06.04.2023 made in MC.No.33 of 2020 on the file of the Family Court, Dharmapuri.

2. It is the case of the 1st respondent that the marriage between her and the petitioner was solemnised on 23.08.2018 and ut of the wedlock, the 2nd respondent was born.

Ever since the marriage, the petitioner and in-laws are pestering her to bring more money from the parental home. The petitioner did not treat the 1st respondent properly and after the birth



of the 2nd respondent, the 1st respondent was driven to her parental abode and divorce proceedings were initiated by the respondent by sending legal notice to which the 1st respondent gave her reply. Therefore, seeking maintenance at the hands of the respondent, the 1st petitioner filed the petition before the court below.

3. Before the court below, the first respondent examined herself as P.W.1 and marked 18 document. The respondent examined R.W.s 1 to 6 and marked Exs.R1 to 7. The court below, based on the oral and documentary evidence and taking note of the subsequent marriage of the respondent, awarded a sum of Rs.10,000/- per month to each of the respondents and a sum of Rs.25,000/- p.a. to each of the respondents to be paid by the petitioner herein from the date of petition. Aggrieved by the same, the present revision has been filed.

4. Learned counsel appearing for the revision petitioner submitted that the revision petitioner is not having any means and that he is preparing for the exams and without appreciating the aforesaid fact, merely on the allegation of the 1st petitioner that the respondent was earning hefty sums by doing business and renting out houses, the maintenance has been fixed, which requires to be modified.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. A careful perusal of the order passed by the court below reveals that the court below has taken into consideration the documentary evidence as also the deposition of the witnesses examined by the respondents and had come to the conclusion that only to deny the benefit of maintenance to the respondents, certain acts have been perpetrated by the revision petitioner. When the basis of such a finding is the deposition of the respondents, which has been rightly appreciated by the court below while awarding maintenance, the same does not warrant any interference.



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7. Further, it has to be pointed out that it is the duty of the husband to maintain his wife and the revision petitioner herein, having remarried, though the first marriage with the wife was subsisting, he is duty bound to maintain his wife and child and rightly appreciating the above, maintenance has been awarded by considering the means of the revision petitioner. The maintenance awarded is just and reasonable and the same does not require any interference.

8. In view of the above discussion, this Court directs the petitioner to pay the maintenance to the respondents as ordered by the Family Court, regularly on or before 7th of every English calendar month and also to pay the entire arrears of maintenance to the respondents within a period of four weeks from the date of receipt of a copy of this order.

With the above directions, the Criminal Revision case is dismissed.

29.04.2024

Index : Yes/No
Internet: Yes/No
Speaking Order : Yes/No
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To

The Family Court, Dharmapuri.



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M.DHANDAPANI,J.

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Crl.RC.No.777 of 2024

29.04.2024