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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.RC.No.667 of 2021

G.Kumar

... Petitioner

-Vs-

1. Sudha Praba

2. Sreeja

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the entire records in connection with the M.C.No.65/2017 dated 18.07.2019 on the file of the learned Family Judge, Dharmapuri and to set aside the same.

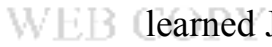
For petitioner : Mr.E.Kannadasan

For Respondents : No appearance

ORDER

The Criminal Revision is filed against the order in M.C.No.65/2017 dated 18.07.2019 on the file of the learned Family Judge, Dharmapuri.

2. The revision petitioner is the husband and the first respondent is his wife and the second respondent is their daughter. The marriage between the petitioner and the first respondent had taken place on 05.09.1997. Out of the wedlock, the 2nd respondent was born. Due to matrimonial dispute and misunderstanding between the couples they were living separately. Subsequently, the respondents filed a maintenance case claiming a sum of Rs.10,000/- per month each and Rs.1,00,000/- per



3. The learned counsel for the petitioner submitted that the respondent first respondent has left the matrimonial home without any valid reasons on her own volition and she is not interested to live with the petitioner. Further the Family Court ought to have considered that she has developed illicit relationship with one Gowthaman, Policeman. Hence, the order of the Family Court is liable to be set aside. The petitioner is working as a Driver in the TNSTC 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 and he could not maintain her wife and daughter. Therefore, the learned counsel prays to allow the present petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Despite served notice to the respondents, there is no representation on their behalf.

5. The marriage between the petitioner and the first respondent is not in dispute and the relationship between them is also not in dispute. The paternity of the



children is also not in dispute. On going through the impugned order, it is seen that the petitioner is working as a Driver in the Tamil Nadu Transport Corporation and he is earning more than Rs.40,000/- As a dutiful husband and father, the petitioner has to maintain his wife and child and the petitioner is liable to pay the maintenance to the respondents. The learned counsel for the petitioner submitted that the first respondent had illicit relationship with someone. However, the same has not been proved before the trial Court and this Court cannot interfere with the impugned award only for mere allegation.

6. Considering the cost of living prevailing as on date, the maintenance amount awarded by the Family Court is just and reasonable and no interference is required. 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 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.

7. In the result, this Criminal Revision Case is dismissed.

10.04.2024

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

The Family Judge, Dharmapuri.

Crl.RC.No.667 of 2021

10.04.2014