

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

Coram

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Criminal Revision Case No.991 of 2015  
and  
M.P.No.1 of 2015

M.Subramani

...Petitioner/Respondent

vs

S.Thulasimani

...Respondent/Petitioner

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. against the order dated 19.06.2015 passed by the learned Judicial Magistrate, Bhavani in M.C.No.25 of 2011.

For Petitioner : Mr.C.D.Johnson

ORDER

The petitioner has come forward with this Criminal Revision case as against the order dated 19.06.2015 passed by the learned Judicial Magistrate, Bhavani in M.C.No.25 of 2011.

2. This revision taken up for disposal at the admission stage itself.

3. The brief facts of the case is as follows:

The respondent/wife filed a petition under Section 125 of the Criminal Procedure Code claiming maintenance from the petitioner/husband a sum of Rs.10,000/- per month. The Court below ordered the said petition by awarding a sum of Rs.2,000/- per month payable by the petitioner/husband to the respondent/wife. Challenging the same, the present revision is filed.

4. According to the petitioner/husband, the respondent has voluntarily left the matrimonial home; hence, she is not entitled to any maintenance. Further, he would state he has to maintain his family and children. Hence, it may not be possible for him to pay a sum of Rs.2,000/- per month as maintenance to the respondent/wife. However, the Court below without taking into consideration all these facts, has ordered maintenance. Accordingly, prayed for setting aside the same.

5. Heard the learned counsel for the petitioner.

6. The only point raised by the petitioner before this Court in this Criminal Revision Case is that belatedly, after a period of 25 years the claim has been made by the respondent and the petitioner is not able to pay the maintenance amount as ordered by the Court below. Moreover, the respondent/wife voluntarily left the matrimonial home. However, on a perusal of the judgment passed by the Court below as well as the materials available on record, it is seen that the petitioner is earning a sum of Rs.22,000/- per month and he is working in the Tamil Nadu Electricity Board. Hence, the Court below ordered to pay a sum of Rs.2,000/- [Rupees two thousand only] as maintenance.

7. For all the above stated reasons and having regard to the cost of living index, the amount of Rs.2,000/- ordered by the Court below is very meagre. Therefore, I do not find any reason to interfere with the reasoned order passed by the Court below.

8. However, the petitioner/husband is directed to pay the arrears of maintenance, within a period of one month from today and continue to pay the sum of Rs.2,000/- [Rupees two thousand only] per month as ordered by the Court below to the respondent/wife on or before 5th of every succeeding English Calendar month.

9. This Criminal Revision is dismissed and consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

mrp

To

The Judicial Magistrate,  
Bhavani.

Crl.RC.No.991 of 2015

GR (CO)  
PSI (01.10.2015)