

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.7.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Cr1.R.C.No.274 of 2010

1.A.Bakialakshmi  
2.Muthusiva  
3.Damodharan

:

Petitioners

versus

C.Arusamy

:

Respondent

Revision filed to set aside the order dated 6.11.2009 made in C.R.P.No.146 of 2008 on the file of the Addl. District and Sessions Court/ Fast Track Court No.IV, Tiruppur, reversing the order dated 29.9.2008 in M.C.No.1 of 2006 on the file of the District Munsif cum Judicial Magistrate, Palladam.

For petitioner : Mr.N.Manokaran

For respondent : Mr.Ma.P.Thangavel

O R D E R

This revision is filed against the order of the Appellate Court, denying maintenance to the petitioners. The Trial Court has granted a sum of Rs.1,500/- to the 1<sup>st</sup> petitioner (wife) and Rs.750/- each, to the petitioners 2 and 3 (children), till they attain majority. The Appellate Court reversed the same on the ground that there was a case pending against the 1<sup>st</sup> petitioner. Aggrieved against the same, the present revision has been filed.

2. The learned counsel for the petitioners would submit that the very complaint registered against the wife has ended in acquittal, vide judgment in C.C.No.64/2006 on the file of the Judicial Magistrate, Palladam, dated 7.6.2013. Since the case has now ended in acquittal, the very basis for the rejection of maintenance goes. The learned counsel would fairly submit that the children have become majority but arrears have not been paid by the respondent so far.

3. The learned counsel for the respondent would contend that the First Appellate Court has correctly rejected maintenance to the wife in view of the serious nature of the complaint. The learned counsel further submit that the respondent is only a driver and that he is

jobless now. Therefore, he is unable to pay the arrears of maintenance amount.

4. Heard both sides.

5. The First Appellate Court has rejected maintenance to the wife mainly on the ground that a complaint has been lodged against her. However, it is brought to the notice of this Court that the said case has ended in acquittal, vide judgment in C.C.No.64/2006, on the file of the Judicial Magistrate, Palladam, dated 7.6.2013. Therefore, the basis for rejection of maintenance goes.

6. Admittedly, the 1<sup>st</sup> petitioner is unemployed. It is the duty of the husband to maintain his wife. The lower Court has awarded only a sum of Rs.1,500/- as maintenance, which is fair and reasonable. In fact, in today's economic conditions, the said sum is very meagre. As far as the children are concerned, it is submitted that they have become major and therefore, the respondent need not pay any maintenance amount to them. The respondent is directed to pay maintenance to the 1<sup>st</sup> petitioner/wife from the date of petition and continue to pay @ Rs.1,500/- on or before the 5<sup>th</sup> of every calendar month. Arrears shall be paid within a period of three months from the date of receipt of a copy of this order.

7. The revision is disposed of accordingly.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

tar

To

- 1.The Addl. District and Sessions Court/ Fast Track Court No.IV,  
Tiruppur  
2.The District Munsif cum Judicial Magistrate, Palladam

+1 cc to M/s.N.Manokaran, Advocate, sr.35091

+1 cc to M/s.Ma.Pa.Thangavel, Advocate, sr.34988.

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ppa (co)  
kra (04/08)