

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-07-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 720 of 2010  
and M.P.No.1 of 2010

T.Nagarajan

.. Petitioner

Versus

P.K.Kavitha

.. Respondent

Criminal Revision Case filed under Section 397 (1) read with 401 of Cr.P.C. against the order passed by the learned Judicial Magistrate-II, Tindivanam, Villupuram District, in M.C.No.3 of 2010, dated 02.07.2010.

For Petitioner : Mr.D.J.Venkatesan

For Respondent : Mr.K.Sathyaraj

ORDER

This Criminal Revision Case is filed by the petitioner/husband questioning the correctness of the quantum of maintenance ordered by the learned Judicial Magistrate No.II, Tindivanam, Villupuram District, in M.C.No.3 of 2010, by order dated 02.07.2010. By the said order, the Court below has directed the petitioner/husband to pay a sum of Rs.2,000/- per month to the respondent/wife towards maintenance.

2. The only ground which has been raised by Mr.D.J.Venkatesan, learned counsel appearing for the petitioner/husband is that the salary earned by the husband itself is only Rs.3,500/- per month, while so, the maintenance of Rs.2,000/- ordered by the Lower Court is on the higher side, as he has to take care of himself and his family members.

3. Mr.K.Sathyaraj, learned counsel appearing for the respondent/wife would submit that the maintenance of Rs.2,000/- awarded by the Lower Court is very meagre and even that amount, the husband has not paid till date. He would further submit that this Court, while granting interim stay, has passed a conditional order directing the petitioner to pay 50% of the maintenance amount ordered by the Trial Court directly to the respondent on or before 10<sup>th</sup> of every month and even that conditional order has not been complied with by the husband.

4. Heard both sides. By consent, the main Criminal Revision Case itself is taken up for final disposal.

5. On a perusal of the judgment of the Lower Court, it is seen that the Lower Court has clearly pointed out that when the relationship between the petitioner and respondent as husband and wife is admitted and it is not in dispute, the petitioner/husband is bound to maintain the respondent/wife. Firstly, taking into consideration of the fact that the petitioner/husband has not complied with the conditional order of stay and also the fact that according to the wife, her husband is a Government servant and earning Rs.10,000/- per month and also the averment of the wife that she has no means to look after herself, to controvert it, the husband is not able to produce any document to show that the wife has got any separate income to maintain herself, has rightly granted maintenance at the rate of Rs.2000/- per month. Hence, I do not find any reason to interfere with the reasoned order passed by the Lower Court.

6. For the foregoing discussions held, this Criminal Revision Case is dismissed and the order passed by the learned Judicial Magistrate No.II, Tindivanam, Villupuram District, dated 02.07.2010, stands confirmed. The petitioner/husband is directed to pay the maintenance of Rs.2,000/- directly to the respondent/wife on or before 10<sup>th</sup> of every succeeding English calendar month. The petitioner is further directed to pay the entire arrears as on date directly to the respondent within a period of four weeks from the date of receipt of a copy of this order, failing which, the wife is at liberty to approach the Lower Court and file appropriate application and inturn, the Lower Court shall take coercive steps for recovery of the amount. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate-II,  
Tindivanam,  
Villupuram District.
2. -Do Thro The Chief Judicial Magistrate  
Villupuram.

+1cc to Mr.K.Sathyaraj,Advocate sr.no.34497

Crl.R.C. No. 720 of 2010

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srg 31.07