



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C. (MD) NO.166 of 2015

R.Jaiganesh

.. Revision Petitioner

Vs.

J.Geetha

.. Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., against the order of the learned Additional Chief Judicial Magistrate, Madurai, in M.C.No.15/2014 dated 30.10.2014.

For Petitioner : Mr.P.T.Ramesh Raja

ORDER

The petitioner is the husband of the respondent. The respondent filed M.C.No.15 of 2014 claiming maintenance to the tune of Rs.25,000/- per month. The learned Additional Chief Judicial Magistrate allowed the petition in part by order dated 30.10.2014 and directed the petitioner to pay a sum of Rs.5,000/- per month as maintenance to the respondent. Challenging the same, the petitioner has come up with this revision petition.

2.This revision has come up today for admission.

3.I have heard the learned counsel for the petitioner and also perused the records carefully.

4.The learned counsel for the petitioner would submit that the petitioner's mother is seriously ill requiring constant medical attention, for which, he has to spend a lot. He would further submit that the respondent has deserted the petitioner by making an unreasonable demand that she would join the petitioner, only if he resides in Madurai. The learned counsel would further point out that out of Rs.33,000/-, which is his monthly salary, his home taking salary is Rs.22,000/-. The learned counsel would further submit that Rs.5,000/- awarded by



the lower Court is highly exorbitant. Therefore, according to the learned counsel, the order of the lower Court deserves to be interfered with.

5. In my considered opinion, I do not find any valid ground at all, even to admit this revision. The lower Court has considered the oral as well as documentary evidence and has come to the conclusion that the petitioner had deserted the respondent and he has neglected to maintain her. This is the factual finding given by the Court below and that it cannot be said to be perverse and it is not possible for the Court to interfere with the same.

6. So far as the quantum of maintenance is concerned, it is the admitted case of the petitioner that the petitioner is working as a Senior Section Officer in Southern Railway and his monthly salary is Rs.33,000/-. Apart from the deduction, his home taking salary is Rs.22,000/-. Therefore, going by the status of the family, the need of the respondent and all other attending circumstances, the trial Court has directed the petitioner to pay a sum of Rs.5,000/-, which, in my considered opinion, is very reasonable.

7. In view of the same, I do not find any merit in the petition. Accordingly, the Criminal Revision fails and the same is dismissed. Consequently M.P.No.1 of 2015 is also dismissed.

Sd/-
Assistant Registrar(Per Admn)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Chief Judicial Magistrate,
Madurai

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Rr
AA/27.04.2015/2p- 3c/

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