

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1614 of 2016

S.Sundar
S/o.Sivakumar

.. Petitioner

vs.

Jayasudha
D/o.Arunachalam

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judge, Family Court, Erode, passed in M.C.No.115 of 2014 on 01.08.2016.

For Petitioner : Mr.M.Guruprasad

ORDER

This revision challenges the order of learned Judge, Family Court, Erode, passed in M.C.No.115 of 2014 on 01.08.2016.

2. Petitioner and respondent are husband and wife. Differences arose between them. Petitioner/husband filed I.D.O.P.No.19 of 2014 on the file of Family Court, Erode, seeking divorce. Respondent/wife filed M.C.No.115 of

2014 seeking maintenance. Court below, under the impugned order, directed the petitioner/husband to pay a sum of Rs.10,000/- as monthly maintenance to the respondent/wife. Challenging such order, the present revision has been filed.

3. Heard learned counsel for petitioner.

4. Learned counsel for petitioner submits that despite the respondent holding employment as an Assistant Professor, she did not disclose such fact in moving the petition for maintenance. Learned counsel further adds that it is the respondent who had treated the petitioner cruelly and had deserted him and therefore, the order of Court below directing payment of maintenance in a sum of Rs.10,000/- p.m. is erroneous. Learned counsel for petitioner submits that the petitioner presently has obtained a decree of divorce on grounds of cruelty and desertion and the respondent thus far has not challenged the same. Learned counsel fairly concedes that even a divorced wife would be entitled to maintenance.

5. It is an admitted case that the petitioner is earning a sum of Rs.81,000/- p.m. Court below, taking the view that given the status of the parties, respondent should be provided maintenance in a sum of Rs.10,000/-,

has directed payment of such sum by the petitioner. This Court finds no reason to interfere with the order under challenge.

For the aforesaid reasons, the Criminal Revision Case is dismissed. Of course, it will open to the petitioner to proceed u/s.127 Cr.P.C., if situation warrants.

09.12.2016

Index:yes/no
Internet:yes/no
gm

To

The Judge,
Family Court,
Erode.

C.T. SELVAM, J

gm

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