

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Cr1.R.C.No.913 of 2016
and CMP.No.7141 of 2016

Mr.Mohammed Sajeeth .. Petitioner/Respondent

Vs.

Mehar Sultana .. Respondent/Petitioner

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed by the II Additional Family Court, Chennai made in MP.No.669 of 2014 in MC.No.560 of 2013 dated 31.03.2016.

For Petitioner : Ms.Y.Kavitha for Mr.Giridhar and Sai

For Respondent : Mr.Abdul Rahim.

ORDER

This Criminal Revision is directed against the order passed by the learned II Additional Family Court, Chennai made in MP.No.669 of 2014 in MC.No.560 of 2013 dated 31.03.2016 awarding interim maintenance of Rs.5,000/-p.m. from the date of petition i.e., 17.03.2015 and directed to pay Rs.15,000/- towards litigation expenses.

2. The learned counsel for the petitioner/husband mainly contended that the petitioner has no job, further the respondent deserted the petitioner and left the matrimonial home within thirteen days after marriage, the respondent/wife is not entitled for any maintenance. But, the trial Court without appreciating the above facts and circumstances erroneously awarded interim maintenance and directed the revision petitioner to pay a sum of Rs.5,000/-p.m. as interim maintenance. Hence, the order of the trial Court made in MP.No.669 of 2014 in MC.No.560 of 2013 has to be set aside and the revision has to be allowed.

3.The learned counsel for the respondent/wife vehemently

contended that the trial Court after considering the facts and circumstances awarded the interim maintenance of Rs.5,000/-p.m. which is very reasonable and there is no illegality or infirmity in the order of the trial Court and prays this Court to dismiss the revision.

4.On perusal of the entire records, it is seen that the petitioner has not produced any documents except the marriage invitation. Both sides has not produced any documents and not adduced any witness before the trial Court. Considering the allegation averred in the petition and after hearing the arguments on either side, the trial court passed the order impugned herein. It is submitted on the side of the respondent/wife, the present revision petitioner is earning monthly salary not less than Rs.32,000/-p.m. working as Assistant Manager, Finance Company, TTK Road, Alwarpet, Chennai and he is also having matrimonial house measuring 1200sq.ft at Thiruvannamiyur and prays for Rs.12,000/-p.m. as interim maintenance, Rs.80,000/- towards her travel and medical expenses and also a sum of Rs.3,00,000/- as litigation expenses. On the side of the respondent, it is averred in the counter stating that he denied drawing salary of Rs.32,000/-p.m., except the same, he has not stated anything about his monthly salary. Further, he only denies he lost his job in consequence of filing frequent leave due to attending false cases filed by the respondent/wife, but no evidence or documents produced on the side of the husband.

5.The trial Court awarded meager amount of Rs.5,000/-p.m. as interim maintenance cannot be stated as excessive one. The trial Court correctly perused the petition filed by the wife for interim maintenance and awarded interim maintenance of Rs.5,000/-p.m. This Court finds no illegality or infirmity in the order passed by the trial Court and the same does not warrant any interference by this Court.

6.In the result, the criminal revision petition stands dismissed. Consequently, connected miscellaneous petition is closed. Considering the pendency of the case, this Court directs the trial Court to dispose of the main case preferably within a period of three months from the date of receipt of a copy of this order and report the same to the Registry.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The II Additional Family Court, Chennai.

1 cc to M/s.Giridhar & Sai, Advocate, sr.48463

1 cc to Mr.A.Abdul Rahim, Advocate, sr.48382

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gj co

kra 19.09.2016



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