

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.09.2016

Dated : 26.10.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

CrI.R.C.No.961 of 2016
and
CrI.MP.No.7665 of 2016

P.Chandran

... Petitioner

Vs.

Arathal

... Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 30.11.2015 made in MC.No.83 of 2013 passed by the Additional Family Court, Coimbatore.

For Petitioner : Mr.Jayasri Baskar

For Respondent : Mr.S.Sivanandam

ORDER

The Criminal revision is directed against the order dated 30.11.2015 made in MC.No.83 of 2013 passed by the Additional Family Court, Coimbatore.

2.The brief facts which are relevant to the facts of the case are as follows :-

The marriage between the petitioner and the respondent was solemnized on 10.02.1983 as per Hindu rites and customs at Meenakshipuram, Chittoor Taluk, Kerala and out of the wedlock a male child was born on 21.02.1989 named as C.Mohanraj. Ever since from the birth of child, the petitioner has often scolded with abusive language in the presence of relatives and neighbours. The said son/Mohanraj died in a road accident on 22.10.2010. After the demise of the son, the petitioner frequently quarrels with the respondent by beating and suspecting the character. The respondent has also taken all the efforts for reunion, but ended in vain. Hence, the respondent/wife filed the petition for maintenance before the

Family Court, Coimbatore. The trial Court after considering the entire facts and circumstances and the evidences adduced on either side passed an order on 30.11.2015, directing the petitioner/husband to pay a sum of Rs.10,000/-p.m. towards maintenance to the respondent/wife from the date of petition i.e., 28.05.2013. Aggrieved against the said order, the petitioner/husband has preferred the present revision before this Court.

3.The learned counsel for the petitioner/husband mainly contended that the trial Court without application of mind, allowed the maintenance petition, the trial Court erred in disbelieving the evidence of the revision petitioner and failed to consider that the petitioner/husband is getting salary of Rs.7,249/-p.m. after deductions. The trial Court ought to have dismissed the application that the respondent herein is living voluntarily away from the petitioner without any sufficient cause and not entitled to claim maintenance, free accommodation, free railway pass for transportation and free medical treatment etc., the learned counsel prays to set aside the order of the trial Court and to allow the criminal revision.

4.The learned counsel for the respondent/wife contended that the trial Court after considering the entire facts and circumstances of case, finally comes to a correct conclusion in awarding maintenance and there is no illegality or infirmity in the order of the trial Court. The learned counsel prays for dismissal of the revision petition.

5.Admittedly, the petitioner/husband is working in Technical Department in Southern Railway, Podanur Division and earning 37,000/-p.m. as per Ex.P8/salary certificate. On the side of the petitioner it is alleged that there is difference of opinion between the petitioner and his wife, there is difference of age of 12years between the parties. The petitioner suspects the modesty of the respondent, the petitioner degraded the reputation of the respondent in the presence of their relatives and neighbours. In view of the humiliation mental torture given by the petitioner, the respondent/wife is living separately. Considering the above facts, the respondent/wife is living separately is not at all a reason to reject her claim. In this case, the trial Court after considering the arguments of both sides and the salary of the petitioner, the trial Court directed the petitioner to pay the monthly maintenance of Rs.10,000/-p.m. to the the respondent from the date of petition. This Court is of the considered view, the respondent/wife is not living with the revision petitioner is not entitled for free medical treatment, free railway pass and accommodation facilities available to the Government Servants.

6.The trial Court after analysing the facts and circumstances and the evidences adduced on both sides and after considering the income of the revision petitioner directed the petitioner to pay a monthly maintenance of Rs.10,000/-p.m. to the respondent/wife from the date of petition. The maintenance of Rs.10,000/-p.m. is very much reasonable amount to maintain a lady in the prevailing cost of living.

7.In the result, the criminal revision stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
Additional Family Court,
Coimbatore.

+1cc to Mr.S.Sivanandam, Advocate, S.R.No.61206
+1cc to Mr.K.V.Sridharan, Advocate, S.R.No.62252

Cr1.R.C.No.961 of 2016

CNR(CO)
CA(14/12/2016)

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