



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD) No.419 of 2015

WEB COPY

Sakthivel @ Samuvel

... Revision Petitioner/Respondent

-vs-

Selvi Rahana

... Respondent/Petitioner

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records in M.C.No.32 of 2015 dated 12.08.2015 on the file of the Family Court, Tirunelveli and to set aside the same.

For Petitioner: Mr.D.Venkatesh

For Respondent: Mr.M.Sathiyamurthy
Legal Aid Counsel

O R D E R

In this revision, the petitioner challenges monthly maintenance of Rs.4,000/- ordered by the learned Judge, Family Court, Tirunelveli in M.C.No.32 of 2015 to his ex-wife/respondent.

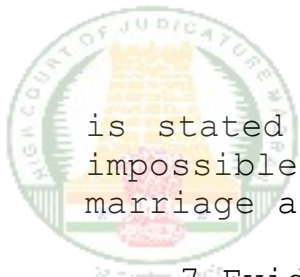
2.As per Section 125 Cr.P.C. even a divorcee can claim maintenance. Accordingly, respondent has claimed maintenance.

3.According to the learned counsel for the revision petitioner, the respondent voluntarily deserted him. The revision petitioner is suffering out of ailment. He is not in a position to go for any job. He has no financial capacity to pay maintenance. Further, what was granted is also more.

4.On the other hand, the learned counsel for the respondent submits that the activities of the revision petitioner is such that she cannot spent even one minute with him. In the circumstances, she came to her parents' house. Divorce was also granted. The revision petitioner is working as Crane Operator. He has earning capacity. Just for the purpose of the M.C. case he is saying that he is jobless.

5.I have anxiously considered the rival submissions and perused the impugned order and the materials on record.

6.Whether he has become a drunkard after his marriage or not, Ex.D1 shows that the revision petitioner has much attractions towards liquor. He seems to have liked liquor more than his wife. He had also taken treatment under a Doctor. It



is stated that he has tortured the respondent. So it has become impossible for her to live with such a disorderly person. Now, the marriage also has been dissolved.

7. Evidence discloses that the revision petitioner was employed as a Crane Operator sometime back in Chennai. He is having own house. He is having a vacant piece of land. It is dangerous to accept the submission that a drunkard will not work and earn, so, he could not pay maintenance. Instead of spending money on liquor he could spent money to pay the maintenance. In the present day context Rs.4,000/- per month is not a fabulous amount. Certainly it would be hand to mouth.

8. In view of the foregoing, this Revision fails and it is dismissed.

Sd/-

Assistant Registrar(cS-I)

/True Copy/

Sub-Assistant Registrar

To:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

2. The Judge,
Family Court,
Tirunelveli.

+One cc to Mr.D.Venkatesh, Advocate, SR.No.31881
+One cc to Mr.M.Sathiamurthy, Advocate, SR.No.32124

sj

RL/5C/2P/DB/29/6/2016

C.R.L.RC(MD) No.419 of 2015

21.06.2016