

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.06.2016****CORAM:****THE HONOURABLE Dr.JUSTICE P.DEVADASS****Crl.R.C.(MD)No.34 of 2016**

T.Kanagavelrajan

... Petitioner

Vs.

1.K.Kaleeswari

2.K.Priyadarshini

... Respondents

Prayer: Criminal Revision Petition is filed under Section 397 and 401 of Cr.P.C., against the order dated 05.11.2015 passed in maintenance case in M.C.No.149 of 2014 on the file of the Family Court, Madurai.

For Petitioner : Mr.T.R..Jeyapalam

For Respondents : Mrs.Thilaga Balasubramaniam

ORDER

The revision petitioner challenges grant of maintenance at the rate of Rs.5,000/- per month to his wife / R1 and to his daughter / R2.

2.The revision petitioner is a Postman. He belongs to Theni. He married a girl belonging to Madurai. They were gifted with the 2nd respondent, who is 2 years old. But fate made this spouses to live apart due to difference of opinion.

3.The revision petitioner is a Central Government employee. He was asked to pay Rs.5,000/- per month to each respondent.

4.According to the learned counsel for the revision petitioner, the Postman is a poorman. He is taking care of a very big family, consisting of aged old mother, widowed sister, their children. What he was getting after deduction, is only Rs.20,499/-. The 1st respondent is employed in a shop in Madurai. She is also earning.

<https://hcservices500.org.in/hcservices/> On the other hand, the learned counsel for the respondents would submit that there is no evidence that the wife is earning.



The 2nd respondent is a 2 years old kid. It is not that their mother is being taken care of by the revision petitioner alone. He himself admitted in evidence that his other brother also contributes for the maintenance of their mother. Therefore, the maintenance granted by the Trial Court cannot be faulted.

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6.I have considered the rival submissions, perused the impugned order and also the materials on record.

7. There is no evidence to establish that the 1st respondent is employed. Even then, it is immaterial. Because under Hindu Law an husband should maintain his wife. A Hindu husband will not say that his wife must go to work and get herself maintained. No where an Hindu husband, while marrying a lady will say, I will marry you provided you must work and earn and feed herself. It would be against Hindu philosophy. So this is one aspect of the matter.

8. The revision petitioner is a Central Government employee. Even after deductions, from his salary is Rs.23,000/- he is receiving more than Rs.20,000/-. Further, there is upward annual revision of salary of every 6 months D.A. increases. Central Government / State Government employees salary always increases.

9. It is pertinent to note that not only the revision petitioner alone is the only son of his mother, equally the other brother also has to take care of his mother and he is also taking care of her.

10. Now in Madurai a grown up woman and a child to meet their expenses towards a roof, food, cloth and extra nourishment for the child Rs.5,000/- per month will not be a fabulous amount. It would be hand to mouth. This amount is minimum required. This amount would contribute minimum to pull the days. In the circumstances, I am of the view that the amount ordered cannot be said to be excessive.

11. In the circumstances, this revision fails and it is dismissed.

Sd/
Assistant Registrar(W)



To
The Family Judge, Madurai.

+1cc to Mr.T.R.Jeyapalam, Advocate in SR.No.30350

+1cc to Mr.R.Venkataraman, Advocate in SR.No.30062

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SDR/SKS-RR/22.06.2016/3P/4C

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