



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD)No.98 of 2016

and

CRL MP(MD)No.1655 of 2016

Vettaiselvam

... Petitioner

-VS-

Ragavi

... Respondent

PRAYER: Criminal Revision Petitions are filed, under Section 397 r/w 401 Cr.P.C., to call for the records in M.C.No.112 of 2013, dated 08.12.2015 order passed by the learned Family Court, Madurai, Madurai District and set-aside the same and allow this revision.

For Petitioner: Mrs.A.Banumathy
For Mr.S.Kameswaran

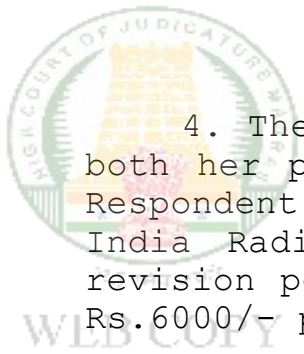
For Respondent: Mr.So.Paramasivam

ORDER

The husband / revision petitioner dissatisfied with the grant of monthly maintenance at the rate of Rs.3000/- to his wife / respondent, has directed this revision.

2. The revision petitioner married the respondent on 13.02.2013 in Madurai. It is an arranged marriage. Difference of opinion arose between them. They got separated. Respondent came to her parents' house. She claimed maintenance in M.C.No.112 of 2013. The Judge, Family Court, Madurai, after hearing both sides and perusing the evidence on record, directed the revision petitioner to pay the respondent Rs.3000/- per month.

3. According to the learned counsel for the revision petitioner, the revision petitioner is not at all at fault, fault is only with the respondent. On the marriage day, she had revealed to the petitioner she love with another person and thus she is not interested in living with him and simply left him.



4. The learned counsel for the petitioner also contended that both her parents are employed. Her family is financially sound. Respondent is a M.Com., degree holder. She is working in All India Radio, Madurai. She also has financial capacity. The revision petitioner is working on a part time basis and gets only Rs.6000/- per month. Further, he is also studying in LLB course.

5. It is also contended by the learned counsel for the petitioner that she also gave criminal complaints against her husband in Tallakulam Police Station. It was closed as mistake of fact. Her petition before the Social Welfare also closed.

6. On the other hand, the learned counsel for the respondent submitted that the revision petitioner is telling a cock and bull story. He is employed in AIDS Control Society, as a Councilor. He gets very good salary. The situation is such that the respondent cannot continue with the revision petitioner. She had came back to her parents' house. Just she is attending All India Radio and on each programme, she is being paid a small amount. She is not a regular employee. What was granted by the Court is very very less. Huge arrears have to be paid.

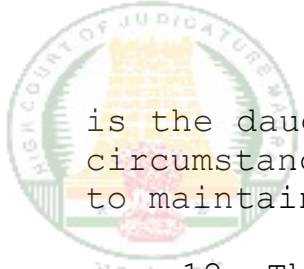
7. I have anxiously considered the rival submissions and perused the impugned order and the materials on record.

8. The learned counsel for the revision petitioner says that the revision petitioner's marriage with the respondent did not last even for 24 hours. The warranty period is very less. She left the matrimonial house abruptly. It is because of her revealing her love with another person. But, as regards this serious allegation, there is no concrete materials. The allegations have to be substantiated by acceptable evidence.

9. Filing of criminal case by the wife as against the husband and closing of it as mistake of fact cannot be ground to refuse her maintenance. Police closes cases some times rightly and some time badly also. Wrongly also.

10. There arose misunderstanding between the spouses. The husband makes serious allegations against wife so also the wife. There is mudslinging exercise by both. Who tells the truth. Nobody knows. But, truth will be very known to each other. It will come out only when they speak the truth.

11. In view of the serious misunderstanding between the couples, naturally, she will go to her parents. Of course, her parents are employed. Once the daughter's marriage is over, they wash off their hands. They feel that they were relieved of a big burden. After, the husband cannot say that it is their daughter they alone have to maintain. Even her parents may be employed and rich, an husband cannot say to his wife that as she



is the daughter of rich persons, he need not maintain her. In the circumstances, the revision petitioner cannot avoid his obligation to maintain his wife.

12. The revision petitioner is employed. It is stated that he is getting only Rs.6,500/- per month. It is also stated that rest of the time, he is reading law books for LLB degree course. We do not whether it is an approved course or not. Perhaps he might be studying law to become a lawyer to fight with his wife. Let him read. But, let him work as he has good physical capacity.

13. Respondent attend some programme in All India Radio. In All India Radio only few persons are appointed as permanent staff and others are on temporary basis. Respondent is an M.Com., graduate. She cannot remain idle in her house. Atleast to get way from her mental agony and family problem, she can engage herself like that. But, she is not receiving any fabulous amount from All India Radio. She is not in affluent circumstances. Now-a-days Rs.3000/- per month is a very meager amount. Even for that the revision petitioner cannot weep.

14. In view of the forgoings, this revision fails and it is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The Judge,
Family Court, Madurai.

+1 cc to M/s.So.Paramasivam, Advocate in SR.No.32402

mpk

CSL/KBM/01.07.2016 : 3p/3c

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