

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2017

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Criminal Revision Case No.1435 of 2017

and Crl.M.P.No.14230 of 2017

V.K.Siddhanandhan @ Rajan ... Petitioner/Respondent

..Vs..

Tmt. J.Vijayalakshmi ... Respondent/Petitioner

Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, against the order, dated 13.09.2017, passed in F.C.M.C.No.18 of 2015 on the file of the learned Judge, Family Court, Vellore.

For Petitioner : Mr. C.Sivanesan

ORDER

The order passed by the learned Judge, Family Court, Vellore, awarding a sum of Rs.5,000/- to the wife as maintenance is under challenge before this Court.

2. The husband has filed this Revision Petition mainly contending that the wife has got sufficient means to maintain herself and therefore, he is not liable to pay any maintenance.

3. A perusal of the materials available on record would go to show that the wife herself has admitted that she is stitching blouse and she is getting some amount towards that, but the case of the husband is that the husband is having health issues and the wife is using pacemaker as well as she underwent surgery at CMC Hospital.

4. The conduct of the husband is admitted from the evidence of the husband himself, where he has admitted that at the time when the wife underwent operation at CMC, he did not take any

steps to get her discharged. This conduct itself is sufficient to show that there is desertion on the part of the husband. Considering the totality of the circumstances and the necessity of the wife to have some amount towards the medical expenses, the trial court has ordered payment of maintenance at Rs.5,000/- per month. The evidence adduced before the Court below would conclusively show that the husband will be in a position to save at least a meagre amount of Rs.5,000/- per month.

5. It is contended by the learned counsel appearing for the petitioner that the wife is under the support of her father. But the trial court has mentioned that the father of the wife is aged 70 and therefore, she cannot depend upon her father for maintenance.

6. Under such circumstances, this Court is of the opinion that the the order, dated 13.09.2017, passed by the Court below does not require any interference from this Court. Therefore the Criminal Revision Case is dismissed. No costs.

Sd/
Deputy Registrar

/True copy/

Sub Assistant Registrar

To

Family Court, Vellore.

+1cc to Mr.M.Baskaran Advocate SR.o.8111/17

Crl.R.C.No.1435 of 2017
& Crl.M.P.No.14230 of 2017

SDR 03.02.2018

सत्यमेव जयते

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