

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.08.2017

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**THE HON'BLE MR.JUSTICE V.BHARATHIDASAN****Cr1.R.C(MD) .No.519 of 2016**

Mariappan @ Muthu

... Petitioner/Respondent

-Vs-

Raja Kalyani @ Rani

... Respondent/Petitioner

**Prayer:** Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying this Court to call for the records in M.C.No.08 of 2015, on the file of the District Munsif-cum-Judicial Magistrate, Sivagiri, dated 31.5.2016 and allow this revision Petition.

|                |                                                          |
|----------------|----------------------------------------------------------|
| For Petitioner | : Mr.M.Jegadeeshapandian<br>for M/s.Aayiram K.Selvakumar |
| For Respondent | : Mr.G.Karuppasamy Pandian                               |

**O R D E R**

Challenging the order granting maintenance, the present revision has been filed.

2.The respondent is the wife of the Petitioner. According to the respondent, the marriage between the Petitioner and respondent was solemnized on 10.11.2008 and at the time of marriage, sufficient dowry has been given to the Petitioner. The Petitioner is working in a spinning Mill at Rajapalayam and getting monthly salary of Rs.15,000/- and after marriage, they are living happily for some time. Thereafter, the Petitioner started to harass the respondent and driven her from the matrimonial home. Thereafter the respondent is living alone and is not able to maintain herself. As she has no means to maintain herself, she has filed a Petition under Section 125 of Cr.P.C seeking maintenance. The Court below allowed the application and ordered maintenance at the rate of Rs.2,000/-p.m. Challenging the above said order, the present revision is filed.

3.I have heard Mr.M.Jegadeesha pandian, learned counsel for the Petitioner and Mr.G.Karuppasamy Pandian, learned counsel for the respondent and considered the materials carefully.



4.It is the admitted case that the respondent is the wife of the Petitioner and that the Petitioner has the legal obligation to maintain the respondent. Now admittedly, the Petitioner filed a petition for divorce on the ground of desertion and the same was dismissed by the Court below. It is also seen that the respondent/wife has no means to maintain herself. It is the case of the respondent that the Petitioner is working in a spinning Mill and getting a salary of Rs.8200/-p.m. The salary Bill was marked as Ex.P3.

5.From the materials available on record, it is seen that the Petitioner has sufficient means to maintain the respondent/wife. Considering all the above circumstances, the trial Court granted maintenance at Rs.2,000/-p.m to the respondent. Recently, the Honourable Supreme Court in the case of Kalyan Dey Chowdhury .vs. Rita Dey Chowdhury Nee Nand reported in 2017(3) CTC 209, has approved that 25% of the husband's net salary would be just and proper to be awarded as maintenance to the wife. In this case, from the evidence, it is seen that the Petitioner is getting a salary of Rs.8,200/-p.m as salary. Hence the amount ordered by the Court below is not excessive and I find no illegality or irregularity in the order of the Court below warranting interference by this Court. Thus the revision fails.

6.Accordingly, the Criminal Revision Case is dismissed.

sd/-  
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

The District Munsif-cum-Judicial Magistrate,  
Sivagiri.

+1cc to M/S. G.KARUPPASAMY, Advocate, SR.No.70013.  
+1cc to M/S. AAYIRAM K.SELVAKUMAR, Advocate, SR.No.70299.

Cr1.R.C(MD) No.519 of 2016  
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vsn