

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.1041 of 2018
and
Crl.M.P.No.12227 of 2018

S.Sathikbatcha

... Petitioner

Vs.

Thahira Begam

.... Respondent

PRAYER: Criminal Revision petition has been filed under Sections 397 r/w 401 of Criminal Procedure Code, praying for setting aside the order made in M.C.No.39 of 2016 dated 28.03.2017 passed by the Learned Family Court Judge, Villupuram.

For Petitioner : Mr.E.Sathiyaraj

O R D E R

The petitioner has filed this Revision Petition against the order passed by the learned Family Court Judge, Villupuram in M.C.No.39 of 2016 dated 28.03.2017, wherein the petitioner was directed to pay a sum of Rs.4,000/- per month to the respondent and also to pay Rs.10,000/- as Medical and dress expenses to the respondent.

2.The undisputed fact of the case of the respondent is that the petitioner and the respondent belong to Muslim community and their marriage was solemnised on 30.03.2008 at A.P.Thirumala Mahal, Villupuram, as per Muslim customary practice.

3.At the time of marriage, the respondent's family had given 20 sovereigns of gold and Rs.20,000/- cash to the petitioner and also they had spent Rs.90,000/- for the purchase of household articles as Sreedhana. The respondent started to live with the petitioner along with other family members as a joint family.

4. When that being so, the petitioner's mother demanded more money from the respondent on the ground that they had to borrow money for performing the marriage of the petitioner and in order to repay their debts, they demanded more money from the respondent, hence a dispute arose in between the petitioner and the respondent. Thus, the petitioner deserted the respondent and he neglected to take care of the respondent. Hence, the respondent wife has filed the maintenance petition in M.C.No.39 of 2016.

5. The learned counsel for the petitioner would submit that there was a family dispute in between the petitioner and the respondent. Thus, the petitioner has given 'Thalak' to the respondent and married for the second time. In order to maintain his second wife and his parents, he is not in a position to maintain his first wife i.e. the respondent. The Trial Court after the elaborate discussion has awarded a sum of Rs.4,000/- per month to the respondent and also to pay Rs.10,000/- as Medical and dress expenses, which is illegal and unsustainable.

6. Considering the fact that the marriage of the petitioner and the respondent was solemnised in the year 2008, as per Muslim customary practice. After the marriage, the petitioner deserted the respondent, hence, the respondent has filed a Maintenance Petition, claiming Rs.25,000/- as yearly maintenance which includes clothing, medical and other amenities.

7. The petitioner after deserting the respondent has performed the second marriage and refused to maintain his first wife i.e. the respondent, which is against the Muslim's law. In the present case, it is fairly apparent that the petitioner husband is now living happily with his second wife, had never taken care of his wife and paying maintenance arrears due to her. The provisions of maintenance under Section 125 Cr.P.C. being a social benefit legislation and having enunciated to prevent vagrancy the Trial Court has to see the requirement of the wife who are neglected by the husband to maintain though having sufficient means and also the cost of living in the present day. Hence, the Trial Court has awarded Rs.4,000/- as monthly maintenance to the respondent and also to pay Rs.10,000/- as Medical and dress expenses is just and reasonable. Therefore, I do not find any infirmity or illegality in the order passed by the learned Family Court Judge, Villupuram.

8. Accordingly, this petition stands dismissed. The order passed by the learned Family Court Judge, Villupuram in M.C.No.39 of 2016 dated 28.03.2017 stands unaltered. Consequently, connected miscellaneous petition if any is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

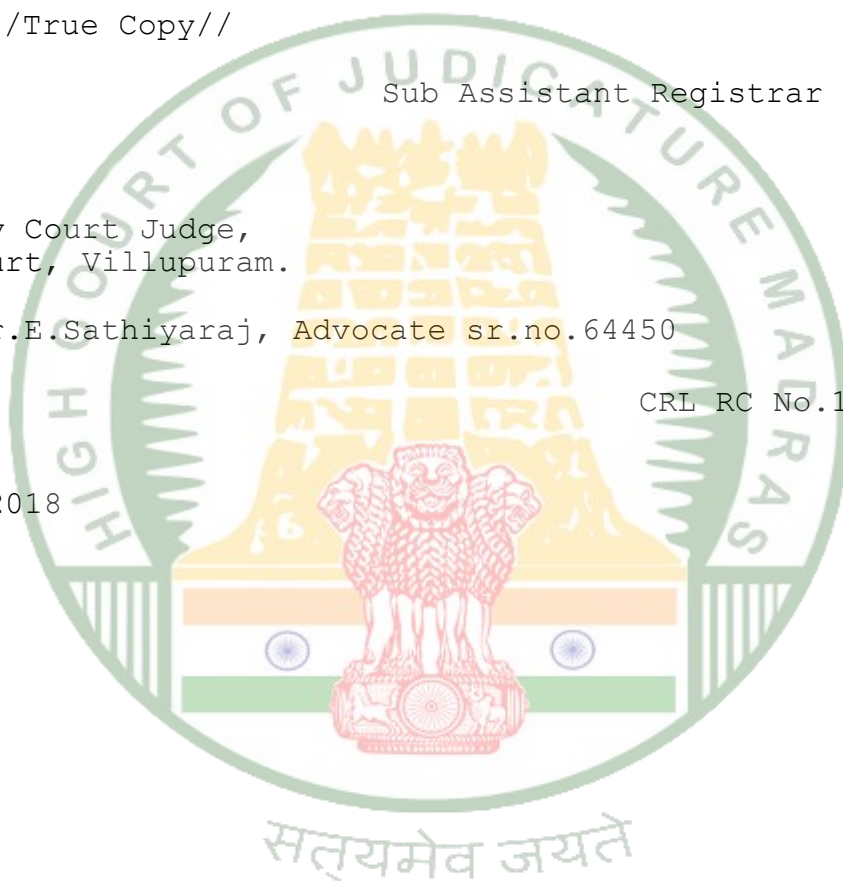
TO:

The Family Court Judge,
Family Court, Villupuram.

+1cc to Mr.E.Sathiyaraj, Advocate sr.no.64450

CRL RC No.1041 of 2018

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