

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.09.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.477 of 2018
and
Crl.M.P.No.5729 of 2018

P.Ramesh

... Petitioner

Vs.

Thenmozhi

... Respondent

Prayer:

Criminal Revision Case filed under Sections 397 of the Criminal Procedure Code seeking to set aside the order dated 18.01.2018 passed in F.C.M.C.No.16 of 2014 dated 18.01.2018, by the Family Court Judge, Vellore.

For Petitioner : Mr.Thanga Vadhana Balakrishnan

For Respondent : Mr.G.Vinodh Kumar

O R D E R

This Criminal Revision Case has been filed seeking to set aside the order dated 18.01.2018 passed in F.C.M.C.No.16 of 2014, dated 18.01.2018, by the Family Court Judge, Vellore.

2.The facts of the case are as follows:

The petitioner is the husband and the respondent is the wife. On perusal of the records, it is revealed that the marriage between the petitioner and the respondent was solemnized on 08.11.2006 at JBR Mahal, Madhanur in the presence of elder members as per Hindu rites and rituals. After the marriage, they lived happily for the period of three months. Thereafter, difference of opinion arose between the petitioner and the respondent. The petitioner and his family members harassed the respondent by demanding dowry. Since the respondent was not happy to live in a joint family, the petitioner started a new life with the respondent on 01.05.2007 in Pondicherry and subsequently, their life ran into rough weather and that she

went back to her parental home in the month of May, 2007.

3. Thereafter, the petitioner filed a divorce petition in M.O.P.No.55 of 2008 before the Family Court, Puducherry and the same was dismissed as not pressed on 17.03.2017 on the ground that there was no oral evidence on the side of the respondent. While the divorce petition was pending, the respondent herein filed a maintenance case under Section 125 of Cr.P.C.. in M.C.No.47 of 2011 on the file of the Chief Judicial Magistrate, Vellore and the same was re-numbered as F.C.M.C.No.16 of 2014. On 18.01.2016, the Court below allowed the maintenance case and directed the petitioner to pay a sum of Rs.6,000/- p.m. from 01.05.2017 onwards and continue to pay monthly maintenance of Rs.6,000/- on or before 5th every English Calendar Month and the arrears of maintenance amount from 01.05.2017 till the date of order i.e., 18.01.2018.

4. The learned counsel for the petitioner would submit that the petitioner is a basic level politician and that he belongs to political party and in the earlier occasion, the petitioner sought MLA seat, however, he was not given MLA seat. He would further submit that the petitioner is not in a position to pay such huge amount of maintenance to the respondent.

5. The learned counsel for the respondent would submit that the marriage was solemnized in the year 2006 and thereafter, their life is ran into rough weather and his family members tortured her by demanding dowry. It is further stated that the petitioner is having illegal intimacy with several ladies in Puducherry and he used to consume alcohol and beat her frequently. In the month of May, 2017, the petitioner and his family members driven away the respondent from the matrimonial home. Thereafter, the petitioner filed a divorce petition in O.P.No.55 of 2008 and subsequently, the same was withdrawn. After elaborate discussion, the Court below allowed the maintenance case and the petitioner is directed to pay Rs.6,000/- as monthly maintenance to the respondent.

6. Having gone through the materials placed on record, this Court is of the view that the Court below, considering the present cost of living, has awarded only a sum of Rs.6,000/- p.m. as maintenance, which is just and reasonable. Hence, I do not find any error or illegality in the order passed by the Court below.

7. Accordingly, this criminal revision is dismissed and the petitioner is directed to pay arrears of maintenance from 01.05.2017 till the date of the order viz., 18.01.2018 and also continue to pay monthly maintenance on or before 5th of every English Calendar Month, if any amount has already been paid, the

same shall be adjusted. Consequently, the miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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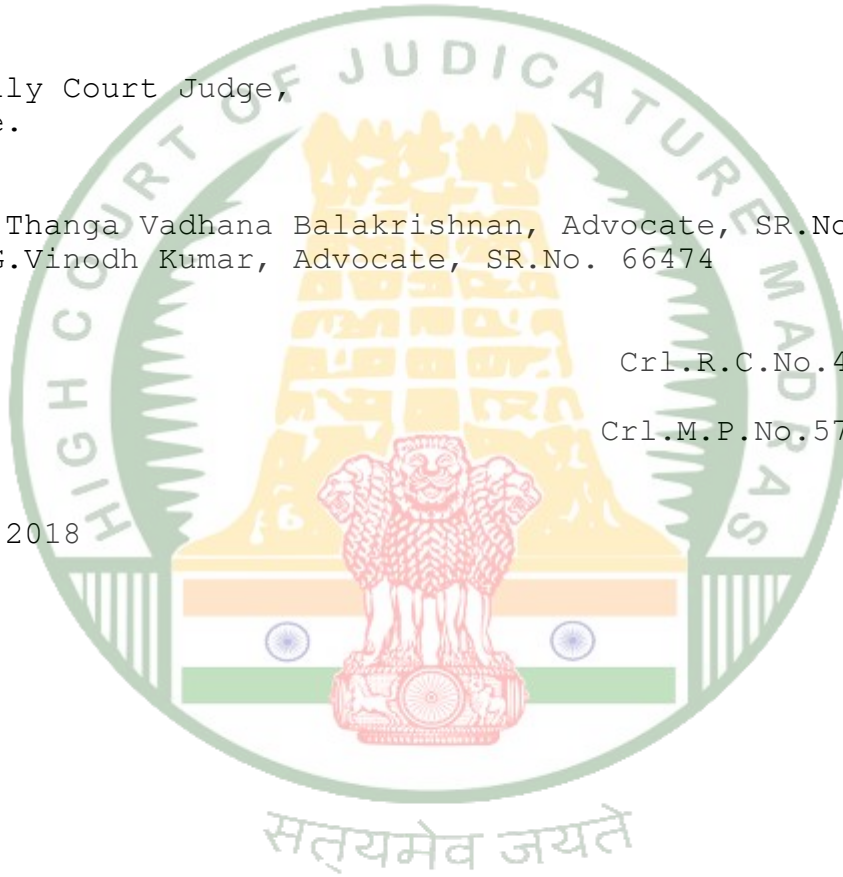
To

1.The Family Court Judge,
Vellore.

+1 cc M/s.Thanga Vadhana Balakrishnan, Advocate, SR.No. 66038
+1 cc Mr.G.Vinodh Kumar, Advocate, SR.No. 66474

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PA (CO)
CSL/24.10.2018



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