



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2018

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WEB COPY

THE HON'BLE Mr.JUSTICE P.VELMURUGAN

Crl.R.C. (MD) No.591 of 2018

R.Akhila

.. Petitioner/Petitioner

vs.

R.Marimuthu

.. Respondent/Respondent/
Complainant

Criminal Revision Petition filed under Section 397 of the Criminal Procedure Code, against the order dated 01.08.2018, passed in M.C.No.39 of 2018 by the learned District Judge, Family Court, Kanyakumari Division at Nagercoil.

For Petitioner : Mr.Niranjana.S.Kumar

ORDER

This Criminal Revision has been filed by the petitioner/wife against the order dated 01.08.2018, passed in M.C.No.39 of 2018, on the file of the learned District Judge, Family Court, Kanyakumari Division at Nagercoil.

2.During the matrimonial proceedings, the revision petitioner/wife has filed M.C.No.39 of 2018 for maintenance. Though the respondent/husband has not appeared and the respondent was set ex-parte and after hearing the revision petitioner and perusing the records, the learned District Judge passed an order of maintenance of Rs.9,000/- per month. Against the said order, the revision petitioner/wife has filed the present Criminal Revision before this Court for enhancement.

3.The learned counsel for the revision petitioner submitted that though the revision petitioner was able to prove that the respondent was an earning member and he is getting salary of Rs.1,00,000/- per month, the learned District Judge has awarded only Rs.9,000/- per month. The revision petitioner has no means to maintain herself and she is a sick person and she is spending money for her illness, which has not been considered by the learned District Judge. Therefore, the said order warrants interference by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4.I have heard the learned counsel appearing for the revision



petitioner and perused the materials on record. Though notice has been served on the respondent and he appeared on earlier occasion, today, none appears on behalf of the respondent.

5. The relationship of the petitioner and the respondent is not in dispute and the fact that the respondent is an earning member is also not in dispute. The respondent has not appeared before the learned District Judge and has not proved that the petitioner is an earning member and she is able to maintain herself without the assistance of the respondent. Therefore, under these circumstances, the learned District Judge has arrived at the conclusion that Rs.300/- per day is sufficient for her to maintain herself. Therefore, the learned District Judge awarded Rs.9,000/- per month to the petitioner. The scope of Section 125 Cr.P.C. is very limited in matrimonial proceedings under the Hindu Marriage Act. Therefore, considering the facts and circumstances of the case, this Court does not find any infirmity or perversity in the order passed by the learned District Judge, dated 01.08.2018, in M.C.No.39 of 2018. There is no merit in the Criminal Revision Petition and there is no sound reason to interfere with the order passed by the learned District Judge. Hence, this Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The District Judge, Family Court,
Kanyakumari Division at Nagercoil.

+ 1 CC TO Mr.NIRANJAN S.KUMAR, ADVOCATE IN SR No. 96021

SMN2

TE/SV/SAR-4 : 17/12/2018 : 2P/3C

Cr1.R.C.(MD)No.591 of 2018
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