



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.08.2018
CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WEB COPY

CrI.R.C(MD)No.735 of 2016
and
CrI.M.P.(MD) No.10501 of 2016

V.Arjunan : Petitioner/Respondent

Vs.

C.Seethalakshmi : Respondent/Petitioner

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for records in M.C.No.77 of 2015 dated 11.03.2016 on the file of the Family Court, Tirunelveli and set aside the same.

For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mr.R.Ramachandran

ORDER

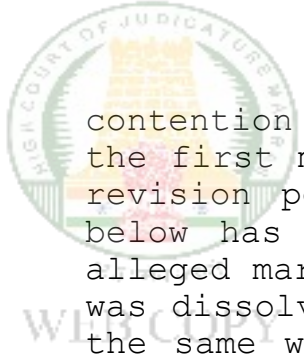
This Criminal Revision case is filed challenging the order of maintenance amount of Rs.5,000/-, awarded by the Family Court, Tirunelveli, in M.C.No.77 of 2015, dated 11.03.2016.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.The contention of the revision petitioner is that the respondent/wife married him, when her first marriage was in subsistence. Further, she did not bother to care the children born through his first wife, which has forced him to send the children to his mother-in-law's house. His mother-in-law has filed maintenance application on behalf of his children and the matter has been settled before the Lok Adalat, wherein the petitioner has agreed to pay a sum of Rs.4,500/- to each of his children, every month.

4.According to the revision petitioner, substantial portion of his income is paid as maintenance to his three children and the remaining amount of income is sufficient to maintain himself. Therefore, the respondent herein, who is already a married person and got married to him suppressing her earlier marriage, is not entitled for any maintenance.

5.The learned counsel for the respondent would submit that the revision petitioner herein is working as an engineer in Electricity Board, earning more than Rs.75,000/- per month. The



contention that the respondent has already married and suppressed the first marriage, is false. In the divorce petition filed by the revision petitioner, the very same plea was taken, but the Court below has disbelieved it and dismissed the divorce petition. The alleged marriage between the respondent C.Seethalakshmi, and Perumal was dissolved as early on 06.11.2006, through customary divorce and the same was made known to the revision petitioner at the time of marriage on 29.05.2007.

6.Considering the rival submissions made by the learned counsel appearing on either side as well as the perusal of records, this Court finds that the quantum of maintenance of Rs.5,000/- per month, fixed by the trial Court, by no stretch of imagination, could be disproportionate to the income and status of the parties. No doubt, the revision petitioner herein is bound to maintain his three children and he has agreed to pay a sum of Rs.4,500/- to each of his children. This cannot be a reason to refuse maintenance awarded to his wife, which is very reasonable, considering the present day Price Index. Therefore, this Court finds no merit in this Criminal Revision case. Hence, this Criminal Revision case is dismissed. Consequently, CrI.M.P(MD)No.10501 of 2016 is dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judge, Family Court, Tirunelveli.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No.81082

+1CC to Mr.R.Ramachandran, Advocate, SR.No.80995

ORDER MADE IN

CrI.R.C(MD)No.735 of 2016

and

CrI.M.P.(MD) No.10501 of 2016

29.08.2018

CP

ES/SKN/RSK/SAR 3/27.09.2018/2P/4C