

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.258 of 2019 and
Crl.M.P.No.343 of 2019

S.Murali

...

Petitioner

Vs

Chitra Murali

...

Respondent

PRAYER:

Criminal Revision case filed under Section 482 of the Criminal Procedure Code, to set aside the order passed by the V Additional Family Court, Chennai in M.P.No.247 of 2017 in M.C.No.231 of 2014 dated 15.10.2018

For Petitioner : No Appearance

For Respondent : No Appearance

O R D E R

This Criminal Revision Case has been filed to set aside the order passed by the V Additional Family Court, Chennai in M.P.No.247 of 2017 in M.C.No.231 of 2014 dated 15.10.2018

2 The petitioner is the husband and the respondent in the wife. The marriage between the petitioner and the respondent was solemnized on 25.05.1989. Out of their wed lock, they blessed with two children. Subsequently, Some misunderstanding arose between them, due to the difference of opinion the respondent/wife left the matrimonial home along with her two children.

3 There after the respondent/wife filed a petition under section 125 of Cr.P.C before the Family Court, Chennai in MC.No.231/2017. During the pendency of the case in M.C.No.231/2017, the respondent/wife herein filed a petition before the V Additional Family Court, Chennai, in M.P.No. 247/2017 for interim maintenance. After the enquiry, the learned V Additional Family Court Judge, Chennai, awarded a sum of

Rs.7,000/-towards interim maintenance. As against the said order the petitioner filed a present revision case before this Court.

4 Today when the matter is taken up for hearing there is no representation on behalf of the petitioner as well as the respondent, either in a person or through an advocate. Even after sending notice to the respondent and the same was received, private notice is also permitted but they are not filed any proof of service.

5 Perused the materials available on record.

6 Considering the facts and circumstances of the case, the marriage between the petitioner and the respondent is not in dispute and the employment of the revision petitioner is also not in dispute. The petitioner is working as a Head Constable in Police Department and also he is getting a sum of Rs.40,000/- per month, but the respondent/wife unable to maintain herself. Therefore, the learned V Additional Family Court Judge, Chennai, awarded a sum of Rs.7,000/- per month towards interim maintenance.

7 Whether the respondent/wife left the matrimonial home with valid reason or without any valid reason is the matter to be decided in the main maintenance case. The husband despite having sufficient means neglected to maintain his wife, the wife has no means to maintain herself. Considering the facts and circumstances of the case, this Court does not find and perversity and infirmity to interfere with the order passed by the learned V Additional Family Court, Chennai. There is no merits this revision case.

8 Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbn

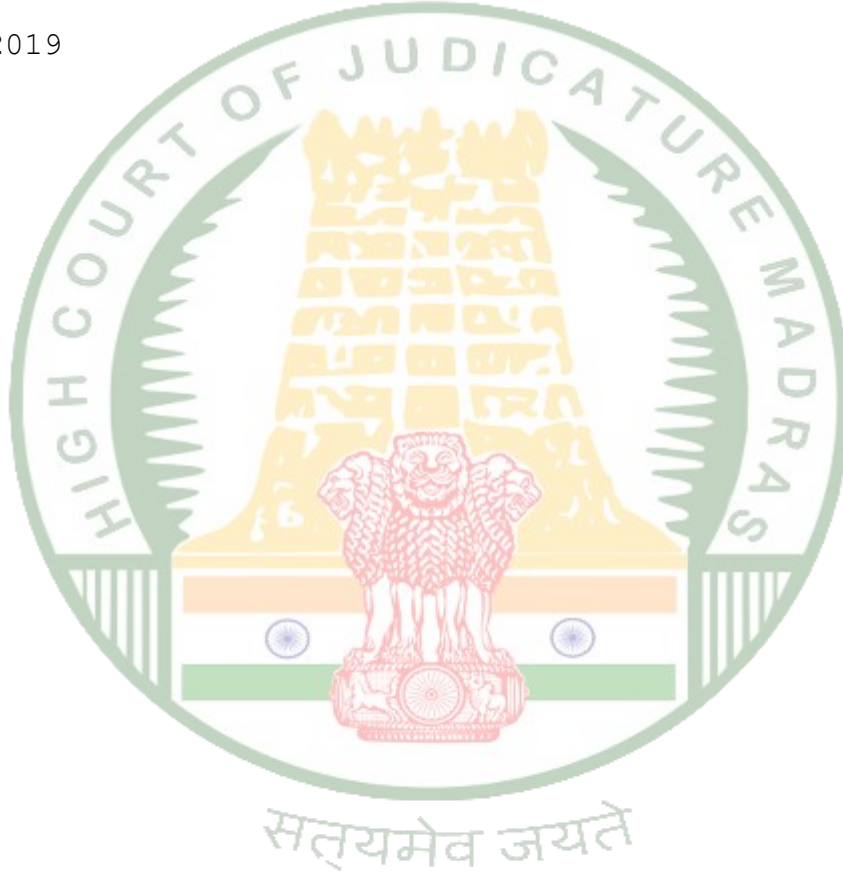
To

1. The V Additional Judge,
Family Court,
Chennai.

+1cc to Mr.S.B.Viswanathan, Advocate, S.R.No.24094

Cr1.R.C.No.258 of 2019
and
Cr1.M.P.No.343 of 2019

KS (CO)
CS/16/09/2019



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