

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1080 of 2012

and

Crl.M.P.No.1 of 2012

T.Shanmugam

...Petitioner

-Vs-

Radha Rukmani

...Respondent

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records and to set aside the order dated 17.04.2012 passed in M.C.No.441 of 2008 on the file of the learned III Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr.A. Prabhakaran-No appearance

For Respondent : M/s.Lekha Sankar - No appearance

O R D E R

This Criminal Revision has been filed by the petitioner to set aside the order dated 17.04.2012 passed in M.C.No.441 of 2008, on the file of the learned III Additional Principal Judge, Family Court, Chennai.

2. The revision petitioner is the husband and the respondent is his wife. The marriage between the revision petitioner and the respondent was solemnized on 07.02.1992. Due to difference of opinion, the petitioner and the respondent were living separately. The respondent filed a maintenance case under Section 125(1) of Cr.P.C. in M.C.No.441 of 2008 before the learned III Additional Family Court, Chennai. The Family Court, after adverting to the materials placed on record and after hearing both the parties, allowed the petition and the revision petitioner/husband was directed to pay a sum of Rs.3,000/- per month to the respondent/wife towards maintenance.

3. Challenging the said order of maintenance, the revision petitioner/husband has filed the present revision before this Court.

4. When the matter came up for hearing on 10.07.2019, there was no representation on behalf of the petitioner and this matter was directed to be posted on 15.07.2019.

5. Today, when the matter is taken up for hearing, there is no representation on behalf of the petitioner as well as the respondent. Despite giving several opportunities, both the parties have not come forward to proceed with this case. Since the case is pending from 2012, this Court deems it fit to dispose of the case on merits.

6. Though the respondent has taken a stand that the revision petitioner/husband was working as Security at L.G. Company and earning a sum of Rs.16,000/- only per month, it is seen that, he is earning Rs.2,000/- per month from the rent of his own shop and he is having agricultural land measuring to an extent of 25 cents worth about Rs.25 lakhs and cultivating paddy and sugar cane, from which, he is earning a sum of Rs.50,000/- per annum. Despite having sufficient means, the petitioner has refused to maintain her wife.

7. The petitioner has stated before the learned Magistrate, that as stated by the respondent/wife, he is not working in L.G. Company and earning Rs.16,000/-, but he is working as Security and getting Rs.2,300/- per month. He further stated that he is not having the shop and agricultural land. The respondent has left the matrimonial home without any valid reason and she is not entitled to get any maintenance.

8. The learned Magistrate considered all the facts and circumstances of the case and after hearing the arguments on either side, allowed the petition and awarded a sum of Rs.3,000/- per month to the respondent as maintenance.

9. On a perusal of the records, the relationship between both the parties are not in dispute and they were living separately, which is also not in dispute. After giving sufficient opportunities, the parties have not come forward to proceed with the case. Considering the facts and circumstances of the case and cost of living prevailing as on date, being a lady, it is very difficult to maintain herself with the meager amount of Rs.3,000/- per month. Hence, the Family Court has awarded a sum of Rs.3,000/- per month which is not excessive, but very reasonable.

10. Considering the facts and circumstances of this case, this Court does not find any valid reason to interfere with the order passed by the Family Court and there is no merit in the revision.

11. In the result, the revision is disposed of. The petitioner is directed to deposit the entire arrears of maintenance within a period of eight weeks from the date of receipt of a copy of this order, if already not deposited. If already complied with the order of this Court, deposit the arrears of amount less the amount already deposited. Further the petitioner is directed to continue to pay the maintenance as awarded by the Family Court in in M.C.No.441 of 2012 dated 17.04.2012 without any default. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

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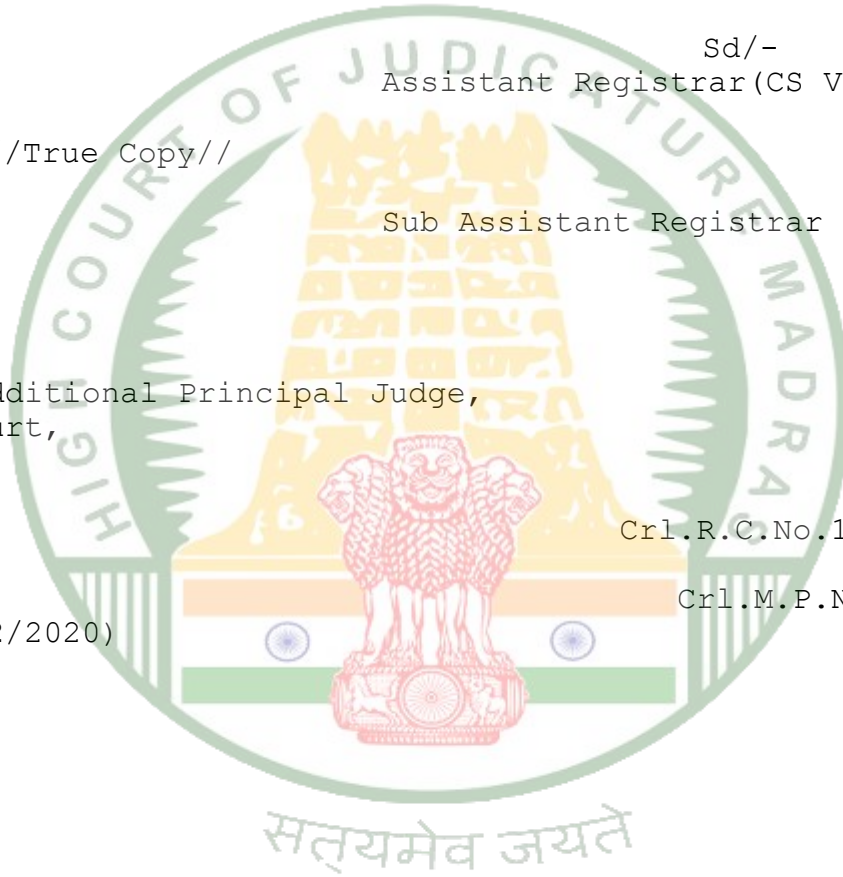
Sub Assistant Registrar

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To

The III Additional Principal Judge,
Family Court,
Chennai.

Crl.R.C.No.1080 of 2012
and
Crl.M.P.No.1 of 2012

A.SK(03/02/2020)



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