

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.R.C.No.256 of 2019
and
Crl.M.P.No.2795 of 2019

R.Vijay Anandh

... Petitioner

Vs

P.Anitha

... Respondent

PRAYER: Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code, to allow this Revision and setting aside the order in M.C.No.164 of 2017 passed by the learned V Additional Family Court, Chennai, dated 24.10.2018.

For Petitioner : Mr.J.Sudhakaran

O R D E R

This Criminal Revision case has been filed for setting aside the order in M.C.No.164 of 2017 passed by the learned V Additional Family Court, Chennai, dated 24.10.2018.

2. The Revision Petitioner is husband and the respondent is wife. The marriage between the petitioner and the respondent was solemnized on 28.01.2011. After the marriage, the respondent/wife lived in the Matrimonial home. Due to difference of opinion, the respondent has filed a petition under Section 125 of Cr.P.C., for maintenance before the learned V Additional Family Court, Chennai in M.C.No.164 of 2017 and the same was partly allowed directing the revision petitioner to pay a sum of Rs.15,000/- per month as maintenance. Against the order of the learned V Additional Family Court, Chennai in M.C.No.164 of 2017, dated 24.10.2018, the petitioner herein has filed the present Revision Case before this Court.

3. The learned counsel appearing on behalf of the petitioner would submit that the respondent is an Engineering Graduate and she is working in a software company and she is also earning. The respondent has sufficient means to maintain herself and therefore, she is

not entitled to get maintenance. Earlier the respondent has filed divorce petition in O.P.No.48 of 2014, before the learned Sub Court, Tambaram and she has filed transfer O.P. before the V Additional Family Court, Chennai and she has withdrawn the petition, after receiving a sum of Rs.50,000/- from the petitioner. During the cross examination the respondent has not produced any document to show that she has resigned her job. Hence, the order dated 24.10.2018 made by the learned V Additional Family Court, Chennai in M.C.No.164 of 2017 of 2016 is liable to be set aside.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is seen that from the records that the trial Court has awarded a sum of Rs.15,000/- per month as maintenance to the respondent. Though the petitioner stated that the respondent is earning and he has not produced any evidence to show that she is an earning member. The respondent has produced her resignation letter before the trial Court. When the respondent herein stated that she is unable to maintain herself and produced the resignation letter and as on the date of filing the petition, she was unemployed. It is for the petitioner/husband to prove that she is able to maintain herself. The respondent has to maintain herself and she has to conduct the litigation. The trial Court has awarded a sum of Rs.15,000/- per month as interim maintenance to the respondent is very reasonable. Therefore, this Court does not interfere with the order passed by the learned V Additional Family Court, Chennai, and there is no merits in this revision.

6. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is also closed.

rli

Sd/-

Assistant Registrar (CS)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

The V Additional Judge, Family Court, Chennai.
+1cc to Mr. , Advocate SR.No. 15964

Crl.R.C.No.256 of 2019

and

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A.SK(30/04/2019)