

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.576 of 2018

Divya

...Petitioner

-Vs-

Karthik

...Respondent

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records and set aside the order in M.C.No.75 of 2017 on the file of the Family Court, Dharmapuri.

For Petitioner : Mr.A. Sakthivel
for Mr.S.Velmurugan

For Respondents: Mr.B.Sundarapandian

O R D E R

This Criminal Revision has been filed by the petitioner to call for the records and set aside the order in M.C.No.75 of 2017 on the file of the Family Court, Dharmapuri.

2. The revision petitioner is wife and the respondent is husband. The revision petitioner has filed a petition before the Family Court, Dharmapuri under Section 125 Cr.P.C., praying interim maintenance, which was taken on file in F.C.M.C.No.75 of 2017. The Family Court after adverting to the materials placed on record and after hearing both the parties, dismissed the petition on the ground that the petitioner left the matrimonial home without any valid reason and she is not entitled to claim any maintenance. As against the same, the revision petitioner/wife has filed this present revision before this Court.

3. The learned counsel for the petitioner/wife would submit that the marriage between the petitioner and the respondent took place at Papparapatti on 11.11.2016, as per Hindu rites and

customs. Prior to the marriage the brother of the respondent namely Govindaraj and his father Devaraj made a false representation to the petitioner's parents that the respondent was a MCA graduate and he is working in WIPRO Software company at Bangalore and he is earning a sum of Rs.50,000/- per month. After the marriage, the petitioner and the respondent were set up the matrimonial home in Bangalore. Thereafter, the petitioner came to know that he is not working in the said company and he has not in a possession of MCA Graduate, because of the said submission, misunderstanding arose between them. Due to the difference of opinion, the petitioner left the matrimonial home. Now the petitioner is residing with her parents and she depends upon her day to day expenses from her parents and she is not able to maintain herself. Therefore, the learned counsel prays to allow this revision case.

4. The learned counsel for the respondent would submit that the petitioner is MCA Graduate and she is also competent person to go for the job. The petitioner is able to maintain herself and she is not entitled to claim any maintenance. The petitioner left the matrimonial home without any valid reason. Now the respondent is ready to take care of his wife. The respondent is searching a job, therefore, he is not able to maintain her wife. Hence, the learned counsel prays to dismiss the revision.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. The marriage between the the petitioner and the respondent is not in dispute and the relationship is also not in dispute. According to the respondent, the revision petitioner left the matrimonial home without any valid reason. According to the revision petitioner, due to cruelty caused by the husband, she left from the matrimonial home. After came from Bangalore, the petitioner lodged a complaint against the respondent before the All Women Police Station, Dharmapuri. The Inspector of Police called both the parties and advised them and send her back with the respondent. Thereafter, the petitioner approached the Court to resolve her problem.

7. On reading of the entire materials, it is seen that this Court does not find the petitioner/wife left the matrimonial home without any valid reason. Under these circumstances, the petitioner is entitled to get maintenance from her husband. Admittedly, she has no means. The respondent is getting Rs.8,000/- per month. The respondent has not proved the fact that the petitioner has sufficient means to maintain herself.

8. Considering the income of the respondent and the reason stated by the petitioner/wife to leave the matrimonial home,

this Court finds that the respondent is liable to maintain her wife till she get a job. The revision petitioner is unable to maintain herself and the respondent has sufficient means to maintain her. Therefore, this Court finds that the order passed by the Family court is liable to be set aside and directed the petitioner to pay a sum of Rs.5,000/- to the revision petitioner on or before 5th of every English Calendar month, from the date of petition in F.C.M.C.No.75 of 2017 on the file of the Family Court, Dharmapuri and the petitioner is directed to pay the entire arrears of maintenance within a period of three months from the date of receipt of a copy of this order.

9. With the above observations and directions, this criminal revision case is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

The Judge,
Family Court, Dharmapuri.

+1cc to Mr.B.Sundarapandiyar, Advocate Sr.23295

+1cc to Mr.A.Sakthivel, Advocate Sr.23114

सत्यमेव जयते

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