

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.RC.No.73 of 2020
and
Crl.M.P.No.392 & 1595 of 2020

Karunanithi ... Petitioner /Respondent

Vs.

Vasuki ... Respondent/Petitioner

PRAYER: Criminal Revision Petition filed under Sections 397 (1) of Cr.P.C, to allow the above Criminal Revision case by setting aside the order dated 13.11.2019 made in F.C.M.C.No.24 of 2018 by the Family Court, Chengalpattu.

For Petitioner : Mr.N.Mariappan

For Respondent : No appearance

ORDER

Challenging the order passed by the Family Court, Chengalpattu in F.C.M.C.No.24 of 2018 dated 13.11.2019, the present criminal revision case has been preferred by the respondent therein.

2. The respondent herein has filed a petition under Section 125 of Cr.P.C., seeking maintenance of Rs.50,000/- per annum and for cost of Rs.5,000/- before the Family Court, Chengalpattu and the same was numbered as F.C.M.C.No.24 of 2018 and after enquiry, the learned Family Court Judge, Chengalpattu by the order dated 13.11.2019 has partly allowed the said petition and directed the petitioner herein to pay a sum of Rs.5,000/- towards maintenance per month from the date of filing of the said petition and Rs.10,000/- per annum towards medical expenses and other expenses. Aggrieved by the same, the respondent in F.C.M.C.No.24 of 2018 has filed the present Criminal Revision.

3. Eventhough private notice was served on the respondent by RPAD and her name also printed in the cause-list, she has not appeared either in person or through counsel. Hence, after hearing the arguments of the learned counsel for the petitioner and perusing the materials placed before this Court, the order is being passed in the Criminal Revision.

4. The learned counsel for the petitioner has submitted that the marriage between the petitioner herein and the respondent was already dissolved as per the order passed in HMOP.No.45 of 2015 dated 27.04.2015, on the file of the Family Court, Chengalpattu and only thereafter, the respondent has filed a petition under Section 125 Cr.P.C., seeking maintenance. He further submitted that the respondent has completed nursing course and she has been employed in a private hospital and she is getting considerable monthly income. He further submitted that the petitioner herein is working in Railway as Collasi and eventhough his gross salary comes to Rs.35,000/- after deduction he is getting net salary of Rs.23,000/- only, but without taking into consideration of the same, the trial Court has directed the petitioner to pay a sum of Rs.5,000/- towards maintenance per month and Rs.10,000/- towards other expenses per annum. He further submitted that as per Section 125 of Cr.P.C., only monthly allowance towards maintenance can be ordered but the trial Court has passed an order that apart from monthly allowance yearly allowances is also ordered.

5. He further submitted that the maintenance includes food, cloths and shelter and hence, there is no necessity to pass separate order and directing the petitioner to pay a sum of Rs.10,000/- per annum towards other expenses and therefore, he prayed to set aside the order passed by the learned Family Court Judge, Chengalpattu.

6. A perusal of the order passed by the learned Family Court Judge shows that the respondent herein has completed nursing course and in such a case, the respondent can get a job by using her educational qualification and earn some amount. The object to give maintenance under Section 125 Cr.P.C., is a measure of social justice and is specially enacted to protect women and children. It provides a speedy remedy for the supply of food, clothing and shelter to the wife.

7. Therefore, this Court is of the view that awarding of maintenance includes all the basic necessities namely, food, cloth and shelter etc., When the trial Court has decided to grant maintenance on monthly basis, it need not pass separate order by directing the petitioner to pay a sum of Rs.10,000/- per annum towards other expenses. Hence, this Court is inclined to modify the order passed by the learned Family Court Judge.

8. In the result, this Criminal Revision Petition is partly allowed. The order passed by the learned Family Court Judge directing the petitioner herein to pay a sum of Rs.10,000/- per annum towards medical expenses, cloth and other expenses is set aside. Insofar as the order passed by the learned Family Court Judge directing the petitioner herein

to pay a sum of Rs.5,000/- per month towards maintenance from the date of petition filed before the trial Court and other directions issued by the trial Court are confirmed. Considering the facts of the case, the parties are directed to bear their respective costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CO MDU)

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Sub Assistant Registrar

dna

To

The Family Court, Chengalpattu.

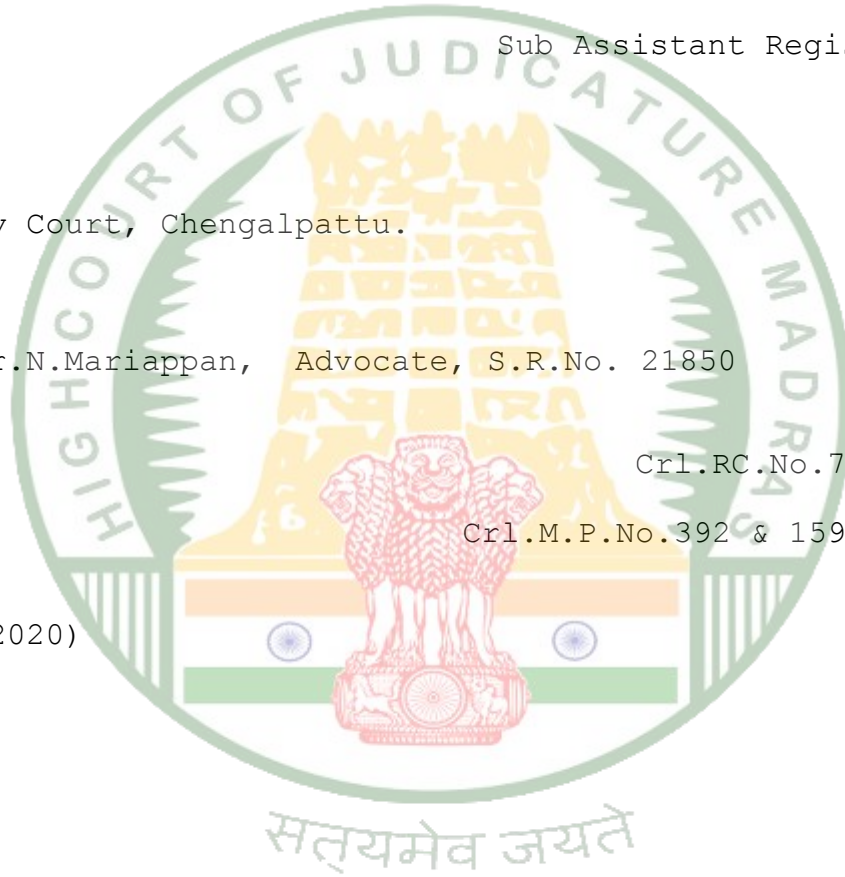
+lcc to Mr.N.Mariappan, Advocate, S.R.No. 21850

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VG II(CO)
GN(25/06/2020)



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