

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.32 of 2018
and Crl.MP.No.174 of 2018

Arul Raj .. Petitioner

Vs

Nandhini ... Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 24.03.2017 passed by the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District in M.C.No.18 of 2016.

For Petitioner : Mr.R.Karunagaran
For Respondent : M/s.T.K.S.Bharathy Anandraj

ORDER

Challenging the order dated 24.03.2017 passed by the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District, in M.C.No.18 of 2016, the petitioner/husband has filed the present Criminal Revision.

2. By the order impugned herein, the trial Court has directed the petitioner/husband to pay a monthly maintenance of Rs.5,000/- to the respondent/wife from the date of petition. The petitioner was further directed to pay the same on or before 10th of every English calendar month.

3. While entertaining the present revision, this Court by order dated 11.01.2018, has granted an order of interim stay on condition that the petitioner shall deposit a sum of Rs.50,000/-

to the credit of M.C.No.18 of 2016 on the file of the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District, within a period of three weeks and also directed to effect payment of maintenance of Rs.3,500/- p.m. continuously on or before 5th day of every succeeding month. It is reported that the said order has been complied with.

4. According to the learned counsel for the petitioner, the trial Court has erred in awarding the maintenance of Rs.5,000/- per month to the respondent, without considering the fact that the take home salary of the petitioner is only Rs.6,500/-, whereas the respondent has source to maintain herself. Hence, the order passed by the trial Court, awarding maintenance to the respondent is liable to be set aside.

5. Denying the submission so made by the learned counsel for the petitioner, the learned Counsel for the respondent produced a typed set of papers containing the pay slip of the petitioner and contended that the net salary of the petitioner during June, 2016 was Rs.40,960/- and in October, it was Rs.43,285/- and the same is periodically getting enhanced. However, the learned Judicial Magistrate has awarded only a sum of Rs.5,000/- p.m. towards maintenance against the claim of the respondent at Rs.20,000/-.

6. Heard both sides and perused the materials placed before this Court.

7. The object behind the provisions for grant of maintenance is to provide speedy remedy for supply of food, clothing and shelter to the deserted wife and to prevent vagrancy and destitution. As such, the petitioner /husband is under a moral obligation to maintain the respondent/ wife and cannot wriggle out of the said responsibility citing his financial inability.

8. Considering the facts and circumstances of the case and upon careful perusal of the order impugned herein, this Court is of the view that the sum of Rs.5,000/- per month awarded by the trial Court towards maintenance to the respondent seems to be very reasonable and the same is liable to be paid by the petitioner/husband.

9. In the result, the Criminal Revision Case is dismissed. The petitioner is directed to comply with the said award of the trial Court periodically by depositing the maintenance amount in the bank account of the respondent, which shall be furnished by the respondent to the petitioner within a period of one week from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The learned Judicial Magistrate No.II,
Ponneri, Thiruvallur.

2.Do thro the chief Judicial Magistrate,
Thiruvallur.

+1cc to M/s.T.K.S.Bharathy Anandraj, Advocate, S.R.No. 10459

Cr1.R.C.No.32 of 2018
and Cr1.MP.No.174 of 2018

MG (CO)
KKV/18/03/2020

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