

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
Crl.R.C.No.548 of 2018

M.Saravana Ramesh

.. Petitioner

Vs

1. S.Aruna Devi

2. Selvi Akshya

Respondents

(2nd respondent rep. by her mother and
Natural Guardian, 1st petitioner)

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 27.03.2017 passed by the learned II Additional Judge, Family Court, Chennai, M.C.No.219 of 2009.

For Petitioner

: No appearance

For Respondents

: Mr.Auxilia Peter

ORDER

The Criminal Revision Case has been filed seeking to set aside the order dated 27.03.2017 passed by the learned II Additional Judge, Family Court, Chennai, in M.C.No.219 of 2009. By the impugned order, the petitioner was directed to pay a sum of Rs.2,500/- per month to each of the respondents from the date of the maintenance case i.e., on 23.06.2009 and to pay the future maintenance on or before 5th of every English calender month.

2.This Court, vide order dated 02.07.2018, has directed the petitioner to pay a sum of Rs.2,60,000/- to the respondents on or before 09.07.2018, whereas the petitioner has paid a sum of Rs.50,000/- on 18.06.2018, Rs.20,000/- on 18.07.2018 and Rs.60,000/- on 07.01.2019 as part payment. Since the said order dated 02.07.2018 has not been fully complied with by the petitioner, CMP.No.6484 of 2018 stood dismissed on 11.02.2019.

3.There is no representation for the petitioner either in person or through his learned counsel for the previous hearing i.e., on 28.01.2020 as well as today's hearing.

4.It is averred in the affidavit filed in support of this Criminal Revision that the first respondent voluntarily left the matrimonial home and despite several opportunities given to her for reunion, she refused to accept the same. It is also

stated therein that the petitioner was earning only a sum of Rs.6,000/- per month, whereas the first respondent is a graduate and employed and she is capable of maintaining herself and her child as well. Hence, the order passed by the Family Court is liable to be set aside.

5. On the other hand, the learned counsel for the respondents submitted that the petitioner is employed in Parrys Confectionery Limited at Nellukuppam and earning more than Rs.10,000/-, besides getting Rs.20,000/- through agricultural operation and he owns a house at Nellikuppam. He further submitted that the petitioner has not paid the maintenance amount to the respondents, due to which, the respondents find it difficult to satisfy their basic requirements.

6. Heard the learned counsel for the respondents and perused the materials placed before this Court.

7. The object of 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 respondents/ wife and child, who are not having any independent source of income, and he cannot wriggle out of the said responsibility citing his financial inability. Hence, the defiance on the part of the petitioner as regards the non-payment of maintenance amount to the respondents, cannot be countenanced by this Court.

8. Taking note of the facts and circumstances of the case and perusal of the documents, more particularly, the order impugned herein, this Court is of the view that the Family Court has awarded a reasonable sum of Rs.2,500/- per month to each of the respondents towards maintenance and hence, the same does not call for any interference.

9. In such view of the matter, this Criminal Revision case stands dismissed. It is open to the respondents to proceed against the respondents for recovery of the maintenance amount in the manner known to law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The II Additional Judge, Family Court, Chennai.

Copy to: The Section Officer,

Criminal Section, High Court, Madras

+1cc to Mr. Auxilia Peter, Advocate SR.No. 10725

CrI.R.C.No.548 of 2018