

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.659 of 2018
and
Crl.M.P.No.7587 of 2018

M.Prabhakaran

..Petitioner

Vs

Priyadarshini

..Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 18.04.2018 in M.C.No.3 of 2016 on the file of Judicial Magistrate Court No.II, Thiruvallur.

For Petitioner : No representation
For Respondent : M/s.S.Sridevi

ORDER

The petitioner is the husband and the respondent is the wife. They got married on 29.08.2012. Due to a matrimonial dispute between the parties, they got separated. The respondent filed a petition for maintenance before the learned Judicial Magistrate, Thiruvallur, claiming a sum of Rs.15,000/- per month. Considering the materials available on record, the Court below ordered the petitioner to pay a monthly maintenance of Rs.5,000/- to the respondent from the date of petition for maintenance regularly, on or before 5th of every English calender month. Feeling aggrieved, the petitioner has preferred this Criminal Revision before this Court.

2. There is no representation for the petitioner. However, the petitioner, assailing the order impugned herein, has stated in the affidavit filed in support of this Criminal Revision that the respondent wantonly deserted him and is living with her parents; the petitioner is earning only a meagre sum of Rs.5,000/- as a Salesman in Star Medicals, Mogappair, Chennai; without considering the said aspects, the Court below directed the petitioner to pay the monthly maintenance at the rate of Rs.5,000/- to the respondent. Hence, he sought to set aside the order impugned herein.

3. The learned counsel for the respondent has submitted that the Court below has considered the materials on record in a proper perspective and ordered the maintenance amount and hence, the same does not require any interference in the hands of this Court.

4. On 13.06.2018, this Court, while admitting this Criminal Revision, has granted an order of interim stay on condition that the petitioner shall pay a sum of Rs.1,500/- per month towards maintenance from the date of the order of the trial Court. It is reported that the said order has not been complied with by the petitioner till date.

5. This Court is of the view that the petitioner/ husband is under a moral obligation is to maintain the respondent/wife and he cannot wriggle out of the said responsibility citing his financial inability. As such, the defiance on the part of the petitioner with respect to the non-compliance of the interim order of this Court cannot be countenanced.

6. Further, taking note of the facts and circumstances of the case, the monthly maintenance of Rs.5,000/- awarded by the Court below to the respondent seems to be very reasonable and hence, the same does not require any interference by this Court.

7. Accordingly, this Criminal Revision stands dismissed, leaving it open to the respondent to recover the monthly maintenance including arrears as ordered by the Court below, in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate Court No.II,
Thiruvallur.
- 2.Do Thro The Chief Judicial Magistrate, Thiruvallur

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Copy to
The Section officer
Criminal Section, High Court, Madras 104.

+1 CC to Mr.R. Karthick Serugapperumal, Advocate sr 11343.

Crl.R.C.No.659 of 2018

SV(CO)
SP(30/05/2020)



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