

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Cr1.R.C.No.821 of 2018

Mani @ Manikandan

... Petitioner

Vs.

Priya @ Priyanka

... Respondent

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed by the learned Family Court, Dharmapuri in F.C.M.C.No.58 of 2017 dated 09.04.2018 and revise the same.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.S.K.Bose

O R D E R

The petitioner herein is the husband and the respondent herein is the wife. Due to a matrimonial dispute between them, they are living separately. The petitioner filed a petition in HMOP No.110 of 2015 for restitution of conjugal rights and the respondent filed a petition in HMOP No.26 of 2016 for a decree of divorce, before the Family Court, Dharmapuri. Considering the materials and evidence available on record, the Family Court dismissed the petition filed by the husband for restitution of conjugal rights and allowed the petition filed by the wife for divorce, by order dated 02.07.2016. While so, the wife filed a petition for maintenance in F.C.M.C.No.58 of 2017 in which the Court below directed the petitioner to pay a monthly maintenance of Rs.5,000/- to the respondent from the date of petition for maintenance. The Court below has also ordered the petitioner to pay a sum of Rs.25,000/- per year to the respondent, towards other expenses, apart from directing to pay the arrears of maintenance within two months. Aggrieved by the same, the present Criminal Revision Case has been filed.

2.The learned counsel for the petitioner has submitted that the Family Court has failed to consider that the respondent / wife left the company of the petitioner and deprived him of marital rights without proper and sufficient cause. It is also submitted that even though the respondent / wife left the matrimonial home in the year 2012 itself, after a lapse of 5 years, she claimed maintenance, which is not in accordance with law.

3.The learned counsel for the respondent has submitted that the Family Court has considered the materials and evidence in a proper perspective and has passed the impugned order and hence the same does not require any interference in the hands of this Court.

4.Heard the learned counsel on either side and perused the papers.

5.The consistent evidence of the respondent herein before the Family Court is that she is unable to maintain herself and that she has no independent income of her own and that the petitioner herein is having two lorries and earning a sum of Rs.2,00,000/- per month and the same has been taken note of by the Family Court, while passing the impugned order. Further, the Family Court has observed that the husband has not been able to prove that the wife is living separately without any reasonable cause. In these circumstances, the Family Court has ordered the petitioner herein to pay the monthly maintenance amount as stated supra. This Court is not inclined to interfere with such factual findings arrived at by the Family Court.

6.In the result, the Criminal Revision Case is dismissed. In case the maintenance amounts are not properly paid, it is open to the respondent to proceed against the petitioner in the manner known to law.

सत्यमेव जयते
Sd/-

Asst.Registrar

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Sub Asst. Registrar

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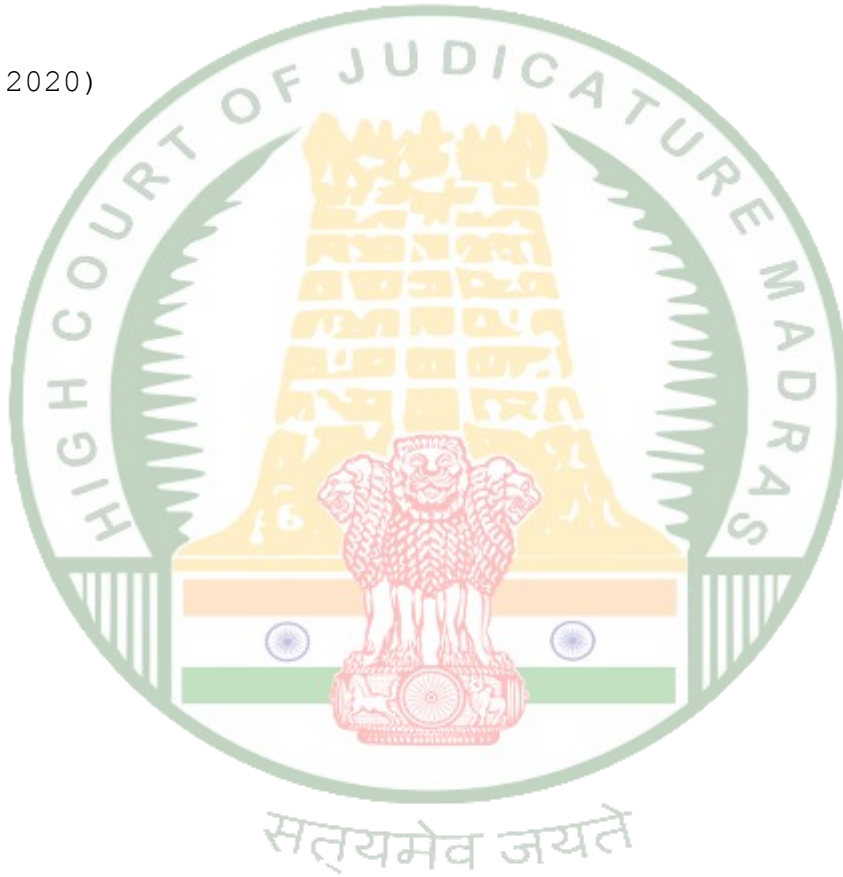
To

1.The Judge, Family Court, Dharmapuri.

+1cc to Mr.S.K.Bose, Advocate (SR.No.17694)

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CP (CO)
BRI (21.05.2020)



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