



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Cr1.R.C.No.613 of 2019

Laporte Rudolph ... Petitioner/Respondent

Vs.

Mabel Laporte ... Respondent/Petitioner

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed in M.C.No.512 of 2016 dated 01.04.2019 on the file of the IV Additional Family Court, Chennai.

For Petitioner : M/s.T.V.Vineeth Kumar

For Respondent : Mr.S.Jayanthi

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 respondent filed maintenance case in MC.No.512 of 2016 before the learned IV Additional Principal Judge, IV Additional Family Court, Chennai. After considering the materials available on record, the Family Court ordered the petitioner to pay a sum of Rs.7,500/- as monthly maintenance to the respondent from the date of filing of the petition for maintenance. Challenging the same, the present Revision has been filed by the petitioner / husband.

2. The learned counsel for the petitioner submitted that the respondent voluntarily deserted the petitioner and is now staying with her daughter and in possession of the property purchased by the petitioner, out of his retirement benefits. He further submitted that the petitioner is living in the rented house and is paying loan to the bank out of his pension and hence, he finds it difficult to meet out his day to-day requirements. Stating so, the learned counsel prayed to set aside the order impugned herein.



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3. On the other hand, the learned counsel for the respondent submitted that the Family Court after considering the materials available on record, has rightly awarded the monthly maintenance to the respondent and hence, the same warrants no interference by this Court.

4. Heard the rival submissions and perused the materials placed before this Court.

5. By order dated 01.07.2019, this Court, has granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance amount from 19.12.2016 to 01.04.2019 to the credit of M.C.No.512 of 2016 on the file of the VI Additional Family Court, Chennai within a period of four weeks from the date of receipt of a copy of the order. Since the said condition was not complied with by the petitioner, the interim stay granted on 01.07.2019 was vacated and CrI.MP.No.8516 of 2019 stood dismissed on 14.08.2019.

6. The object of the provisions of Section 125 Cr.P.C., is to provide for a social justice falling within the swim of Article 15(3) and 39 of the Constitution of India, which have been enacted to protect the weaker section of the society like women and children. It is in the form of secular safeguard irrespective of personal law of the parties. The object is to compel a man to perform moral obligations towards the society in respect of maintaining his wife, children and old parents so that they may not face destitution and become the liability of the society or may be forced to adopt a life vagrancy, immorality and crime for their subsistence or go astray (vide: Begum Subanu @ Saira Banu v. A.M.Abdul Gafoor, AIR 1987 SC 1103).

7. Such being the legal position, this Court is of the view that the petitioner is bound to pay the monthly maintenance to the respondent and he cannot escape from the said responsibility citing his financial incapacity. Further, taking note of the facts and circumstances of the case, the monthly maintenance of Rs.7,500/- awarded to the respondent seems to be just and reasonable and hence, the same does not require any interference in the hands of this Court.

8. In fine, this Criminal Revision Case is dismissed. It is open to the respondent to proceed against the petitioner for recovery of monthly maintenance including arrears, in the manner known to law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

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1. The IV Additional Family Court,
Chennai.

Cr1.R.C.No.613 of 2019

PPA (CO)
CB (01/07/2020)