

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.02.2020
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.577 of 2017
and
Crl.M.P.No.5133 of 2017

Saravanan

... Petitioner/Respondent

Vs.

1.Umaveni

2.Minor Athirai

(Rep. by next friend and mother,
Umaveni)

... Respondents/Petitioner

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of the Criminal Procedure Code seeking to set aside the order dated 08.11.2016 made in M.C.No.38 of 2016 on the file of the Family Court, Villupuram by allowing this criminal revision case.

For Petitioner : Mr.R.Arun Dattan
For Respondents : Mr.K.Azhaagarsamy

O R D E R

This petitioner herein is the husband and the first respondent herein is the wife. Due to matrimonial dispute between them, they got separated. The first respondent filed a petition for maintenance before the Family Court, Villupuram, claiming a sum of Rs.10,000/- per month for herself as well as her child. Considering the materials available on record, the Family Court directed the petitioner to pay a monthly maintenance of Rs.5,000/- (Rs.2,500/- each) to the respondents, from the date of petition for maintenance. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner submitted that the petitioner is not having any independent income and he is not owning any immovable property as alleged by the respondents; he also sold out the agricultural land inherited from his father to meet out his medical expenses; and without considering the said aspect in a proper perspective, the Family Court has awarded an exorbitant sum of Rs.5,000/- towards monthly maintenance. He further submitted that the first respondent is having capacity to maintain herself and her child as well. Hence, the learned counsel prayed for quashing the impugned order.

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

4.Heard both sides and perused the papers.

5.On 12.04.2017, while ordering notice in this Criminal Revision, interim stay was granted on condition to deposit a sum of Rs.1,00,000/- to the credit of M.C.No.38 of 2016 before the Family Court, failing which, the said order shall stand vacated automatically. It is reported that the said interim order has not been complied with by the petitioner.

6.The object of the provisions for grant of maintenance is to provide speedy and effective remedy for supply of food, clothing and shelter to the deserted wife to prevent vagrancy and starvation. The petitioner/husband is under a moral obligation to maintain his wife and child and cannot wriggle out of the said responsibility, citing his financial incapacity. As such, the contention raised on the side of the petitioner for defiance in payment of maintenance to the respondents/wife and child, cannot be countenanced by this Court.

7.Taking note of the facts and circumstances of the case and the status of the petitioner, the maintenance amount awarded by the Family Court, seems to be very reasonable and hence, the same warrants no interference in the hands of this Court.

8.In the result, the Criminal Revision Case stands dismissed. It is open to the respondents to proceed against the petitioner for recovery of the maintenance amount. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy//

Sub Assistant Registrar

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To

The Family Court, Villupuram.

Cr1.R.C.No.577 of 2017
and

Cr1.M.P.No.5133 of 2017

PP (CO)

CSR: 19.03.2020