



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C.(MD)No.347 of 2016 against

M.C.No.59 of 2014

WEB COPY

Dhanasekaran

... Petitioner

Vs.

Manju

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C, to call for the records in M.C.No.59 of 2014, on the file of the Family Court, Dindigul dated 11.03.2016 and set aside the same.

For Petitioner	:	Mr.D.Venkatesh
For Respondent	:	Mr.G.Gomathi Sankar

O R D E R

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

2.The petitioner Dhanasekaran and the respondent Manju got married on 10.11.2008 as per Hindu Rites and Customs. The petitioner was a widower, while the respondent was divorcee. The petitioner is having two daughters born through his first wife. The relationship between the parties came under strain and the wife filed M.C.No.59 of 2014, before the Family Court, Dindigul. By order dated 11.03.2016, the Court below directed the petitioner herein to pay a sum of Rs.5,000/- per month towards maintenance to the respondent herein. The same is questioned in this Criminal Revision case.

3.The learned counsel for the petitioner reiterated all the grounds set out in the Memorandum. The core argument is that the petitioner is very much ready to take back the respondent and that the respondent has wilfully deserted the petitioner. The learned counsel for the petitioner states that the petitioner has also filed HMOP No.43 of 2015 against the respondent for dissolution of marriage on the ground of desertion. The petitioner is working in BSNL and his take home is Rs.20,000/- per month. Therefore, the quantum of maintenance, awarded by the Court below cannot said to be excessive by any standard.

4. The learned counsel for the respondent would point out that HMOP filed by the petitioner had also been dismissed. Be that as it may, it is open to the petitioner to establish before the jurisdictional Court that the respondent had deserted him. Till then the petitioner has to necessarily honour the impugned order passed



by the Family Court. With this clarification, the Criminal Revision case is disposed of.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

Vrn

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Judge, Family Court, Dindigul.

Copy To:

The Section Officer ,Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-19361[F] dated
07/10/2020)

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AP(15/10/2020) 2P 5C