



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.RC.No.51 of 2021

S.Nandhini @ Sadhana

...Petitioner/Appellant

-Vs-

A.Babu

... Respondent

Prayer: Criminal Revision Case filed under Section 401 of Cr.P.C. to set aside the order passed by the III Additional Family Court, Chennai, dated 05.06.2020 in M.C.No.4 of 2020 and the maintenance amount may be enhanced from Rs.50,000/- to Rs.1,00,000/- per month.

For Petitioner : Mr.S.Natarajan

For Respondent : Mr.C.Anbu

ORDER

(The case has been heard through video conference)

The present Criminal Revision case has been preferred as against the order of maintenance dated 05.06.2020 in M.C.No.4 of 2020 on the file of the III Additional Family Court, Chennai, for enhancement.

2.The petitioner being the wife she filed a petition for maintenance as against the respondent. The Court below ordered maintenance a sum of Rs.50,000/- per month payable by the respondent to the petitioner. Aggrieved by the same, the petitioner preferred this revision for enhancement.

3.The learned counsel for the petitioner would submit that though the Court below ordered maintenance for a sum of Rs.50,000, the respondent did not comply the same even till today. The respondent is working as Independent IT Consultant in USA and he is earning 160 dollars per hour and as such, he is capable to pay more than Rs.1,00,000/- as maintenance. That apart, the petitioner has aged parents and she is maintaining them and except the petitioner, no other legal representatives are there to maintain her parents. Therefore, the petitioner sought for enhancement of the maintenance from Rs.50,000/- to Rs. 1,00,000/-.



4.The petitioner filed the petition for maintenance under Section 125 of the Criminal Procedure Code, seeking a sum of Rs.4,00,000/- towards monthly maintenance and also to pay litigation expenses of Rs.50,000/-.

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5.On the side of the petitioner, she was examined as PW-1 and marked exhibits P1 to P5. Though notice was served on the respondent, no one appeared before the Trial Court and he was set ex-parte. After considering the material, the Trial Court ordered a sum of Rs.50,000 as monthly maintenance payable by the respondent herein. Insofar as the litigation expense is concerned, the Court below dismissed. Aggrieved by the same, the petitioner filed this petition to enhance the said amount.

6. On perusal of the records, it reveals that the petitioner got married with the respondent herein on 04.12.2016 at Appadurai Nadar Hall, Chennai, in accordance with the Hindu Rites and Custom. It is an arranged marriage. The entire marriage expenses were borne out by the petitioner family on compulsion and coercion. Thereafter, there was misunderstanding between them and as such the petitioner got separated on 05.03.2018 from the respondent. From their separation, the respondent failed to maintain the petitioner. Therefore, she filed the petition for maintenance in M.C.No.4 of 2020 before the III Additional Family Court, Chennai.

7.Though the respondent is working as an Independent IT Consultant and whatever he earned, the maintenance cannot be ordered more than the requirements of the petitioner herein. The petitioner filed this revision petition for enhancement of award amount on the ground that she has to maintain her parents. The respondent is the husband of the petitioner and he is duty bound to maintain only the petitioner / wife and not the wife's parents.

8.Since the respondent remained absent before the Trial Court, he was set exparte. Even then the Trial Court without any proof for salary of the respondent, ordered maintenance for a sum of Rs.50,000/-. Therefore, there is absolutely no grounds to enhance the maintenance awarded by the trial Court in M.C.No.4 of 2020 dated 05.06.2020.

9.In view of the above discussion, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

smv/jer



To:

The Presiding Officer,
The III Additional Family Court,
Chennai.

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+1cc to Mr.S.Natarajan, Advocate, S.R.No. 27643

Cr1.RC.No.51 of 2021

CP (CO)
GN (22/07/2021)