



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.R.C.No.117 of 2018
and
Cr1.M.P.No.841 of 2018

V.Arumugam

... Petitioner

Vs

A.Kannamma

... Respondent

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 17.06.2017 made in M.C.No.144 of 2012 on the file of the learned Additional Family Court, Coimbatore.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.M.Velmurugan

O R D E R

This Criminal Revision has been filed to set aside the order dated 17.06.2017 made in M.C.No.144 of 2012 on the file of the learned Additional Family Court, Coimbatore.

2. The case of the petitioner is that the petitioner is the husband and the respondent is his wife. The marriage between them was performed on 04.09.1974 as per Hindu rites and customs at Pollachi. Out of the wedlock, one female child was born. At that time of marriage, the petitioner was working in Indian Air Force and retired from the service during the year 1989 and thereafter, he got job in Central Bank of India at Coimbatore. The respondent, without any valid reason, frequently quarreled with the petitioner and left the matrimonial home. Due to which, the petitioner filed a petition for restitution of conjugal rights in HMOP No.144 of 2012 before the learned Additional Family Court Judge, Coimbatore and the same is still pending. Thereafter, the respondent filed a maintenance case under section 125 of Cr.P.C. in MC.No.144 of 2012 claiming a sum of Rs.15,000/- . After elaborate trial, the trial Court awarded a



sum of Rs.8,000/- towards maintenance to the respondent. Challenging the said order of maintenance, the present petition has been filed before this court.

3. The learned counsel for the petitioner submitted that after the retirement from service, the respondent has not taken care of him and quarreled with the petitioner frequently. Due to misunderstanding, the respondent has left the matrimonial home without any valid reason on her own. Therefore, he tried to bring the wife back to the matrimonial home, for which, he filed a petition for restitution of conjugal rights in M.C.No.1637 of 2015 and the same is pending. During the pendency of the said case, the respondent filed a petition for maintenance. Without considering the oral and documentary evidences, the learned Family Court Judge has allowed the application by awarding a sum of Rs.8,000/- per month to the respondent for maintenance, which is interference of this Court. The learned counsel further submitted that the petitioner has no sufficient means to maintain his wife and he has received Rs.20,000/- as monthly pension, in which, he has to take care of his adopted son and himself. Hence, the learned counsel prays to allow this petition.

4. The learned counsel for the respondent submitted that when the petitioner was working in Central Bank, he had illicit relationship with one Saraswathy. Due to which, the petitioner harassed the respondent and attacked her frequently and driven out her from the matrimonial home. For the sake, the petitioner filed a petition for restitution of conjugal rights and the same is pending and further, he has not taken any steps to bring back his wife to the matrimonial home. The learned counsel further submitted that despite having sufficient means, the petitioner has refused to maintain his wife and is duty bound to maintain her. Hence, the learned counsel for the respondent prays to dismiss the Revision case.

5. Heard both sides and perused the materials available on record.

6. It is admitted fact that the respondent is the wife of the petitioner. Due to the difference of opinion, the petitioner and the respondent were living separately. The petitioner admitted that he was retired from Indian Air Force (IAF) and after retirement from IAF, he joined in Central Bank of India at Coimbatore and later he retired from service. Now, he may receive huge money as pension. It is settled law that if the wife is unable to maintain herself, the husband despite having sufficient means and neglect to maintain her, the wife is entitled to get a maintenance from her husband. Considering the facts and circumstances of the case and cost of living



prevailing as on date, the award passed by the trial Court is just and reasonable and this Court does not find any reason to interfere with the award passed by the trial Court and there is no merit in the revision.

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7. Under these circumstances, the respondent is entitled to get maintenance from the petitioner. The petitioner is directed to pay the arrears of maintenance to the respondent, less the amount, if, already deposited, within a period of four weeks from the date of receipt of a copy of this order and further, the petitioner is directed to continue to pay the maintenance to the respondent as ordered by the learned Additional Family Court Judge, Coimbatore in M.C.No.144 of 2012 dated 17.06.2017 without any default.

8. With the above observation and direction, the Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rli

To

The Additional Family Court,
Coimbatore.

+lcc to Mr.M.Velmurugan, Advocate Sr No.47141

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SPD (CO)
PR (26/10/2021)