

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.118 of 2021

Lakshmi Narayanan N H ... Petitioner/Respondent

...vs...

Vidhya ... Respondent/Petitioner

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to modify the order and decree in M.C.No.3 of 2018 dated 23.10.2020 which was received on 23.11.2020 on the file of the Principal Family Court Judge, Coimbatore and order a lesser or reduced amount after considering all the relevant facts towards the monthly allowance to the respondent or any other suitable order.

For Petitioner : Mr.D.Balaguru

O R D E R

By consent of the learned counsel for the petitioner, the Criminal Revision Case is taken up for final disposal at the admission stage itself, without issuing any notice to the respondent.

2. This Criminal Revision Case has been filed against the order dated 23.10.2020 in M.C.No.3 of 2018 on the file of the Principal Family Court, Coimbatore.

3.It is the case of the petitioner that the marriage between the petitioner and the respondent was solemnized on 03.03.2004 and out of their wedlock one male child was born and he is under the care and custody of his father/the petitioner herein. It is further stated that there was a difference of opinion between the petitioner and the respondent, hence, the relationship between them was broken up and the respondent/wife left the matrimonial home. Thereafter, the respondent/wife filed a petition under Section 125(1)(a) Cr.P.C in M.C.No.3 of 2018 seeking maintenance from the petitioner/husband herein. The learned Magistrate, after due enquiry ordered a sum of Rs.9,000/- per month as maintenance to the respondent/wife. Aggrieved over the said order, the petitioner/husband filed the present Criminal Revision Case.

4.The learned counsel for the petitioner would fairly submit that the petitioner is the owner of the transport company and he has got one bus in Coimbatore. The respondent/wife filed maintenance case in the year 2018 and the same was ordered only on 23.10.2020. Due to COVID-19 pandemic situation, the petitioner is not able to get sufficient income and hence, he seeks modification of the order passed by the Court below. He would fairly admitted that the transport company is very old transport company.

5.Heard the learned counsel for the petitioner and perused the materials available on record.

6. Admittedly, the jural relationship between the parties are not in dispute. The petitioner and the respondent are living separately. The respondent/wife filed M.C.No.3 of 2018 seeking maintenance from the petitioner. After considering the entire materials, the learned Magistrate ordered a sum of Rs.9,000/- per month as maintenance to the respondent/wife. As per the decision of the Hon'ble Supreme Court the wife is entitled to get maintenance based on the status of the husband.

7.Considering the above facts and circumstances of the case and also considering the fact that the petitioner is owner of the transport company, the Court below has rightly awarded a sum of Rs.9,000/- per month as maintenance to the respondent/wife, which is very meager and it is not proportionately high. Therefore, this Court does not find any perversity or infirmity in the order passed by the learned Principal Judge, Family Court, Coimbatore and the same is liable to be dismissed.

8.Accordingly, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Principal Judge,
Family Court,
Coimbatore.

Cr1. R.C.No.118 of 2021

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