



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.R.C.No.556 of 2018  
and Cr1.M.P.No.6596 of 2018

K.Thiagarajan

...Petitioner

-Vs-

T.Uma Maheswari

...Respondent

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order in MC. No.75 of 2016 dated 17.01.2018 on the file of the V Additional Family Court, Chennai.

For Petitioner : Mr.C.Jagadish

For Respondent : Mr.V.Senthilkumar

O R D E R

This Criminal Revision has been filed to set aside the order in MC. No.75 of 2016 dated 17.01.2018 on the file of the V Additional Family Court, Chennai.

2. The revision petitioner is the husband and the respondent is his wife. The marriage was solemnized between them on 24.06.1993 as per Hindu Rites and Caste Customs. After the marriage, the petitioner and the respondent were living in Chennai. Out of the wedlock, two children were born to them and due to the bike accident, their son died in the year 2015. Due to misunderstanding between the spouses, they were living separately. In the meanwhile, the respondent has filed a maintenance petition before the V Additional Family Court, Chennai, under Section 125 Cr.P.C., claiming maintenance of Rs.35,000/- and Rs.3,00,000/- for litigation expenses, which was taken on file in MC.No.75 of 2016. The Family Court after advertizing the materials placed on record and after hearing both the parties, allowed the petition in part and the respondent therein /husband was directed to pay a sum of Rs.10,000/- per month to the wife towards maintenance. As against the same, the



revision petitioner/husband has filed the present revision before this Court.

3. The learned counsel for the petitioner/husband submitted that admittedly, in the year 2015, the petitioner's son died due to the accident and thereafter, abruptly, the respondent/wife left the matrimonial home leaving her daughter with the petitioner without any valid reason. The petitioner only taken care of his daughter and now she is completed her degree. The learned counsel for the petitioner further submitted that the petitioner has to spent money for her higher studies and marriage. However, the respondent left the matrimonial home on her own volition and therefore, she is not entitled to get any maintenance under Section 125 Cr.P.C. from the husband. The petitioner was retired from NAC Jewellers and he is receiving very meager amount as pension. He is unable to pay the maintenance to the respondent. Hence, the learned counsel prays to set aside this petition.

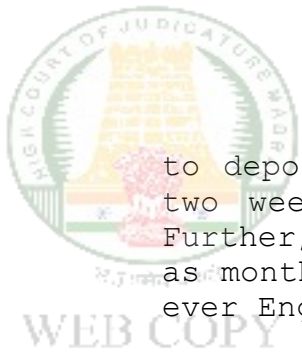
4. The learned counsel for the respondent submitted that after the marriage, the petitioner and his family members tortured the respondent and driven out from the matrimonial home. The respondent is not employed and she is struggling with her day to day activities and the petitioner is having sufficient means and he was not paid the maintenance regular. The Court below was directed the respondent to pay a sum of Rs.10,000/- per month, which is very low. The learned counsel prays to dismiss this revision.

5. Heard the learned counsel appearing on behalf of the petitioner and the respondent and perused the materials placed on record.

6. On a careful perusal of the records, it is seen that the marriage between the petitioner and the respondent, relationship of the parties as well as the fact that they are living separately are not in dispute. Admittedly, the respondent is unemployed and the petitioner was retired from service in NAC Jeweller and he would have receive some decent amount after retirement. However, the learned Judge has awarded only a sum of Rs.10,000/- per month to the wife, which is just and reasonable.

7. That being the case, considering the cost of living prevailing as on date, being the lady, the maintenance award passed by the lower Court is reasonable and this Court in not inclined to interfere with the order passed by the Family court.

8. Under these circumstances, the respondent is entitled to get maintenance from the respondent. The petitioner is directed



to deposit the entire arrears of maintenance within a period of two weeks from the date of receipt of a copy of this order. Further, the respondent is directed to pay a sum of Rs.10,000/- as monthly maintenance to the petitioner on or before 5th day of every English Calendar month, without any default.

9. In the result, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rli

To

The V Additional Judge,  
Family Court, Chennai.

+1CC to Mr.V.Senthilkumar, Advocate, Sr.No.48781

+1CC to Mr.C.Jagadish, Advocate, Sr.No.48884

Cr1.R.C.No.556 of 2018  
and Cr1.M.P.No.6596 of 2018

KSM (CO)  
K.RK. (25.10.2021)