



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.RC.No.916 of 2018

D.Vijayalakshmi

... petitioner

-Vs-

M.Bharanidharan

... Respondent

Prayer: Criminal revision is filed under Section 397 and 401 of the Criminal Procedure Code, to call for the records and modified the order in MC.No.144 of 2014 passed by the learned VII Additional Family Court, Chennai dated 05.07.2018 by enhancing the quantum of maintenance from Rs.7,500/- to Rs.15000/- as monthly maintenance.

For petitioner : Mr.P.Nagaraju

For Respondent : Mr.M.Balasubramanian

ORDER

The criminal revision has filed against the order passed in MC.No.144 of 2014 passed by the learned VII Additional Family Court, Chennai dated 05.07.2018.

2. The revision petitioner is the wife and the respondent is his husband. The marriage between the petitioner and the respondent had taken place on 15.09.2011 at Thiruverkadu Temple, Chennai. After the marriage, they lived together in the matrimonial home. Subsequently, due to the difference of opinion between the couples, they were living separately. Hence, the petitioner filed a maintenance case before the learned VII Additional Family Court, Chennai seeking maintenance from the respondent/husband for a sum of Rs.25,000/- for her food and clothing and Rs.5,000/- for her medical and other other expenses and Rs.10,000/- towards litigation expenses. Initially, the Family Court awarded a sum of Rs.15,000/- per month towards interim maintenance to the petitioner in MP.No.46 of 2014 in MC.No.144 of 2014, dated 06.09.2016. Later, the learned Family Court Judge, after hearing both sides, directed the respondent/husband to pay a sum of Rs.7500/- per month towards maintenance in MC.No.144 of 2014 dated 05.07.2018. To enhance the said maintenance amount, the petitioner/wife has filed the present criminal revision before this Court.



3. The learned counsel for the petitioner submitted that the learned Family Court Judge was directed the respondent/husband to pay a sum of Rs.7500/- p.m. towards maintenance to the petitioner is very low. The petitioner has filed a petition for restitution of conjugal rights before the Family Court and the same is pending. The respondent has filed a divorce petition and subsequently, the same was withdrawn by him. When the wife was deserted her husband, she was not entitled to claim any maintenance. But, in this case, the respondent and his parents ill-treated the petitioner and demanded more dowry and driven out her from the matrimonial home. The petitioner is ready and willing to live with her husband, but the respondent has not taken any steps to bring his wife to the matrimonial home. Therefore, the petitioner is entitled to get maintenance from the respondent. The respondent is working in IT Company and earning Rs.80,000/- per month. Despite having sufficient means, the respondent is neglected to maintain his wife. Earlier, the Family Court awarded a sum of Rs.15,000/- per month towards interim maintenance to the petitioner. Thereafter, the Family Court, without considering all these facts, awarded at Rs.7,500/- per month towards maintenance to the petitioner. Considering the cost of living prevailing as on date, the said award amount is not enough. Hence, the learned counsel prays to allow this petition.

4. The learned counsel for the respondent submitted that after the marriage, the petitioner has not taken care of his husband and his parents and without any reason and without informed to her husband, she left the matrimonial home on her own. The respondent and his parents never demanded any dowry from the petitioner. The award amount passed by the Family Court is just and reasonable, which does not warrant any interference.

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

6. The marriage between the petitioner and the respondent is not in dispute and the relationship between them is also not in dispute. The initial burden is on the petitioner/wife to prove that the petitioner has got sufficient means and that he neglect to pay her. In this case, admittedly, the respondent/husband is working in IT Company and earning a sum of Rs.90,150/- per month and admittedly his taken home salary is Rs.80,000/- There is no dispute with reference to the means of the husband. However, he neglected to pay maintenance to his wife. As a dutiful husband, he has to provide food, cloth and shelter to his wife. According to the respondent, he is ready and willing to join with the petitioner.

7. It is seen from the impugned order, the Family Court awarded a sum of Rs.7,500/- to the petitioner as monthly



maintenance, is just and reasonable. Considering the facts and circumstances of the case and considering the cost of living prevailing as on date, the respondent is directed to pay the award amount to the petitioner, which was passed by the Family Court towards monthly maintenance, without any default. Further, the respondent is directed to deposit the entire arrears of maintenance to the petitioner, deduct the amount, if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

The VII Additional Principal Judge,
Family Court,
Chennai.

+1CC to Mr.M.Bala Subramanian, Advocate, Sr.No.40990

Cr1.RC.No.916 of 2018

RLD(CO)
SB(17/11/2021)