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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.NO.1484 OF 2017
AND CRL.M.P.NO.14737 OF 2017

Marimuthu @ Hariharan

... Petitioner/Respondent

Vs

Selvarani

...Respondent/Petitioner

PRAYER:

Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code, to call for the records in connection with the order dated 18.07.2017 in MC.No.44 of 2016 passed by the learned Family Court, Villupuram and set aside the same as illegal and improper.

For Petitioner : Mr.S.Sabarish

O R D E R

This Criminal Revision case has been filed for setting aside the order dated 18.07.2017 in MC.No.44 of 2016 passed by the learned Family Court, Villupuram.

2. The Revision Petitioner is husband and the respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 02.02.2014 at Panamalaipettai Thaiyalnayagi Thirumana Mandapam as per Hindu Rites and Customs. In their wedlock, they have no children. Due to difference of opinion, the couples were living separately. Thereafter, the respondent/wife has filed a petition against her husband under Section 125 of Cr.P.C., claiming a sum of Rs.10,000/- as maintenance before the learned Judge, Family Court, Villupuram in M.C.No.44 of 2016 and the same was allowed directing the revision petitioner/husband to pay a sum of Rs.2,500/- per month as maintenance. Challenging the order passed by the learned Judge, Family Court, Villupuram dated 18.07.2017, the petitioner herein has filed the present Revision before this Court.



3. The learned counsel appearing on behalf of the petitioner submitted that due to misunderstanding, the respondent left the matrimonial home on her own. After marriage, the respondent has never taken care of her husband and his family members. The petitioner has approached the respondent for reunion many times. But she never come forward to live with her husband. The petitioner is a daily coolie and he is earning a sum of Rs.300/- per day. Out of his salary, the petitioner has to take care of his aged mother and mentally ill sister. Therefore, the petitioner could not able to maintain his wife and she is not entitled to get maintenance from the petitioner as she only deserted her husband. Hence, the order dated 18.07.2017 passed by the learned Judge, Family Court, Villupuram in M.C.No.44 of 2016 is liable to be set aside.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Despite served notice to the respondent, there is no representation on her behalf.

5. It is admitted that the respondent is the wife of the petitioner and the marriage between the petitioner and the respondent was solemnized on 02.02.2014. It is also admitted that they have no children. After the marriage, it is alleged that the revision petitioner started to demand the dowry and also abused her in filthy language and assaulted her. Therefore, she left the matrimonial home and lodged a complaint before the All Women Police Station, Gingee on 01.02.2015. Subsequently, it further alleged that the parents of the respondent attacked the petitioner with rod and caused injuries and he was admitted in Mundiampakkam Government Hospital. Hence, there is no possibility to both of them to live together. However, as on date, the petitioner has not taken any steps to bring back his wife to the matrimonial home. The learned counsel for the petitioner submitted that the petitioner did not demand dowry. It is seen from the impugned order that the respondent is living with her parents. According to the husband, the wife left the matrimonial home without any valid reason. According to the respondent, due to cruelty caused by the husband, she left from the matrimonial home. Under these circumstances, the respondent is entitled to get maintenance from the petitioner. The trial Court was directed the petitioner to pay a sum of Rs.2,500/- per month to the respondent, which is not excessive.

6. With the above discussions, this criminal revision case is dismissed. The petitioner/husband is directed to continue to pay the monthly maintenance regularly without any default.



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Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

The Judge,
The Family Court, Villupuram.

Crl.R.C.No.1484 of 2017
and Crl.M.P.No.14737 of 2017

SSD(CO)
PM/12/10/2021