

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1024 of 2019
and Crl.M.P.No.14190 of 2019

Manikandan

... Petitioner

Vs.

K.Kiruthiga

... Respondent

Criminal Revision Case filed under Section 397 and 401 of Crl.P.C, to set aside the order dated 26.06.2019 made in M.C.No.29 of 2018 on the file of the Family Court, Namakkal by allowing this Criminal Revision Petition.

For Petitioner : Mr.R.Prabakar

For Respondent : (No appearance)

ORDER

This Criminal Revision Case has been filed against the order dated 26.06.2019 passed in M.C.No.29 of 2018 on the file of the Family Court, Namakkal.

2. When the matter was taken up on previous hearing, a report was received from the Mediation Centre that the parties are not willing to participate in the mediation. Since the matter is pertaining to maintenance under Section 125 Crl.P.C. and the same is pending from the year 2019, this Court is inclined to take up the matter and dispose it of on merits.

3. The petitioner is the husband and the respondent is the wife. The respondent/wife filed maintenance case against the petitioner before the Family Court, Namakkal in M.C.No.29 of 2018, claiming maintenance amount. The Family Court, after appreciating the facts and evidence, ordered a sum of Rs.6,000/- per month as maintenance and Rs.5,000/- for litigation cost. Challenging the above said order, the petitioner/husband has filed the present revision case.

4. In this case, the relationship of the parties i.e. the husband and wife is not in dispute. Both are living separately

and the same is also not in dispute. The marriage took place on 11.11.2016 and after sometime of the marriage, the respondent left the house without any reason. The petitioner was working in College with a salary of Rs.17,000/- (Rs.11,935/- in hand). The main contention of the petitioner/husband is that the respondent/wife was working as teacher and she was earning Rs.20,000/- per month and she is capable of maintaining herself and he is not liable to pay any maintenance amount to her, but the same was not proved by him by providing any salary certificate of the respondent. Therefore, considering the said fact, the Family Court allowed Rs.6,000/- p.m. as maintenance and Rs.5,000/- as legal expenses.

5. On perusal of the records, it shows that the the divorce of the parties and their separation are not in dispute. The petitioner is a earning member and the respondent is unemployed. Though the petitioner tried to project that the respondent/wife is a earning member, he has not produced any evidence with respect to the same and the petitioner himself admitted that he is employed and earning a salary Rs.17,000/-.

6. Under the above facts and circumstances of the case, as the petitioner already covered the order of maintenance of Rs.6,000/-, the same is modified to Rs.5,000/- per month. Therefore, the petitioner is directed to pay a sum of Rs.5,000/- on or before 5th of every month.

7. With the above modification in the order passed by the Family Court, this Criminal Revision Case is dismissed. Connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
The Family Court, Namakkal.

+1cc to M/s.R.Prabhakar, Advocate Sr.4307

Cr1. R.C.No.1024 of 2019

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srg 22/03/2021