

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1343 of 2019

in

Crl.M.P.No.18051 of 2019

Manivannan
S/o.Jayaraman

... Petitioner

Vs.

Lakshmi
W/o.Manivannan

... Respondent

PRAYER: Criminal Revision case has been filed under Sections 397 r/w. 401 of Cr.P.C. to call for the records relating to the judgment passed by learned Family Court Judge, Cuddalore, in M.C.No.64 of 2018 dated 13.08.2019 and set aside the same.

For Petitioner : Mr.J.Joicy
for Mr.C.Prasanna Venkatesh

For Respondent : No Appearance

O R D E R

The petitioner is the husband and the respondent is the wife. The respondent filed a maintenance case in M.C.No.64 of 2018 on the file of the Family Court, Coimbatore, under Section 125 Cr.P.C. The learned Judge, Family Court, Coimbatore, after enquiry allowed the petition partly and directed the petitioner to pay a sum of Rs.10,000/- as monthly maintenance. Challenging the said order, the petitioner has filed the present revision before this Court.

2. Learned counsel for the petitioner would submit that the respondent is a earning member and despite sufficient means to maintain herself, she filed the petition under Section 125 Cr.P.C. for maintenance. The Judge, Family Court, Vellore, considered the fact that the petitioner is an earning member. The respondent has filed a petition for maintenance against the petitioner only to protract the proceedings. Therefore, the order passed by the trial Court is liable to be set aside.

3. No representation for the respondent.

4. The marriage between the petitioner and the respondent was solemnized on 06.06.2016. Thereafter, due to some

misunderstanding arose between them, they are living separately. Therefore, the petitioner has a case before this Court for maintenance in M.C.No.64 of 2018. The Family Court, Vellore, ordered a sum of Rs.10,000/- based on Ex.P.5- Salary certificate of the petitioner, which shows that the petitioner was earning a sum of Rs.34,195/-Based on the salary certificate marked, the learned Judge arrived at a conclusion that the petitioner can pay a sum of Rs.10,000/- to the respondent as monthly maintenance. Though, the learned counsel for the petitioner would submit that the respondent is a earning member, there is no oral or documentary evidence produced to show that the respondent is a earning member. Despite sufficient means to maintain herself, she has filed a petition for maintenance. Under these circumstances, this Court finds that absolutely there is no evidence to show that the respondent has sufficient means to maintain herself, on the other hand the respondent has established that the petitioner is earning a sum of Rs.34,195/- per month as per the salary certificate.

5. Considering the income of the petitioner and the cost of living as on date, the order of Rs.10,000/- as monthly maintenance is very reasonable and therefore, under these circumstances, this Court finds no perversity in the order passed by the Family Court.

6. Accordingly, the Criminal Revision petition is liable to dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

The Judge,
Family Court,
Cuddalore.

+1cc to Mr.C.Prasanna Venkatesh, Advocate Sr.No.3837

AKM/19.2.21 /2P-3C/

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