



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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| RESERVED ON  | 22.02.2021 |
| DELIVERED ON | 26.02.2021 |

WEB COPY

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Crl.RC(MD)No. 569 of 2016

A. Rajendran ... Petitioner/Respondent

Vs.

R. Govindammal ... Respondent/Petitioner

**PRAYER:** Petition filed under Section 397 & 401 of the Criminal Procedure Code, to call for the relating to the order passed in M.C. No. 55 of 2015 on the file of the learned Chief Judicial Magistrate, Ramanathapuram, dated 17.05.2016 and set aside the same.

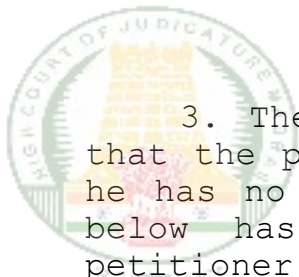
For Petitioner : Mr.V.Kannan

For Respondents : Mr.S.Satheesh Kumar

**ORDER**

This criminal revision case has been filed by the petitioner to set aside the order, dated 17.05.2016 in M.C. No. 55 of 2015 passed by the learned Chief Judicial Magistrate, Ramanathapuram.

2. The brief fact of the case is that the marriage between the petitioner and the respondent was solemnized at Meenakshi Devasthanam, Paramakudi and out of the wedlock, they are having son and daughter. Now, the respondent/husband was retired from service as Deputy Manager, Aavin Co-operative Society. The petitioner has developed illicit intimacy with One Sethukkarasi and failed to maintain the respondent/wife. Therefore, the respondent/wife was living separately with her father and child and she has filed an application in M.C. No.55 of 2015 for maintenance under Section 125 Cr.P.C., directing the respondent/husband to pay a sum of Rs.8,000/-as maintenance and the same was allowed and ordered by directing the petitioner/husband to pay a sum of Rs.6,000/-to the respondent/wife, as maintenance, from the date of petition and the same shall be paid on or before 5<sup>th</sup> day of every month in English Calender month. Aggrieved over the said order, dated 17.05.2016, the revision petitioner/husband is before this Court.



3. The learned counsel appearing for the petitioner submitted that the petitioner has received a sum of Rs.1,762/-as pension and he has no other income, without considering this aspect the Court below has allowed the maintenance petition by directing the petitioner to pay a sum of Rs.6,000/-as maintenance. He further submitted that the petitioner himself did all the expenditure to the petitioner's daughter's marriage and the respondent/wife without disclosing the above facts filed the maintenance petition case in order to harass the petitioner. He further submitted that the Court below erred in law in awarding maintenance to the respondent Rs.6,000/-p.m., mechanically without assigning any valid reason. Hence, prays to allow this revision case.

4.The learned counsel appearing for the respondent/wife submitted that she is living with his son and the petitioner/husband failed to maintain the respondent and the respondent/wife herself only did all the expenditure to the her daughter's marriage. He further submitted that the petitioner has drawn a sum of Rs.18,000/-as pension and the petitioner/husband was living separately with one Sethukkarasi, illegally. He further submitted that she has no income and prays to dismiss this revision case.

5.Heard the learned Counsel appearing for the petitioner/husband and the learned counsel appearing for the respondent/wife and perused the material documents available on record.

6.The revision petitioner has filed this revision case to set aside the order, dated 17.05.2016 in M.C. No. 55 of 2015 passed by the learned Chief Judicial Magistrate, Ramanathapuram.

7.The respondent/wife has filed a petition in M.C. No. 55 of 2015 seeking maintenance of Rs.8,000/-p.m., from the date of petition.

8.The revision petitioner/husband has contended that he has received a sum of Rs.1,762/-only, as pension.

9.The relationship between the parties and separation among them were admitted by both parties. Further, the Court below has considered the retirement benefits of the revision petitioner and the fact that he has completed LLB. It is a duty of the husband is to maintain his wife and children. The Court below has awarded a sum of Rs.6,000/-p.m., as maintenance and as on date, no single paise is paid to the respondent/wife for her livelihood. For maintaining decent life and to meet out her day today expenses Rs.6,000/-is needed. The revision petitioner can earn more, when there is a need. Hence, this Court has no valid reason to interfere with the order passed by the Court below.



10. Accordingly, this Criminal Revision Case stands dismissed and the order passed by the learned Chief Judicial Magistrate, Ramanathapuram in M.C. No. 55 of 2015 dated 17.05.2016, is hereby confirmed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

KSA

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Chief Judicial Magistrate,  
Ramanathapuram.
2. The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to Mr.H.ARUMUGAM, Advocate ( SR-8018[F] dated 01/03/2021 )

**Order made in  
Cr1.RC(MD)No.569 of 2016  
26.02.2021**

KMV (CO)  
SRS (09/03/2021) 3P : 4C