



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	29.03.2021
DELIVERED ON	05/05/21

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Crl.RC(MD)No. 630 of 2016

and Crl.M.P. (MD) No.8243 of 2016

Chandrasekaran

...Petitioner/Respondent

Vs.

Regina Mary

... Respondent/Petitioner

PRAYER: Criminal Revision filed under Section 397 r/w 401 and 482 of the Criminal Procedure Code, to call for the records from the lower Court and to set aside the order of maintenance made in M.C. No. 44 of 2015 dated 15.07.2016, on the file of Family Court, Srivilliputtur, by allowing the Criminal Revision case.

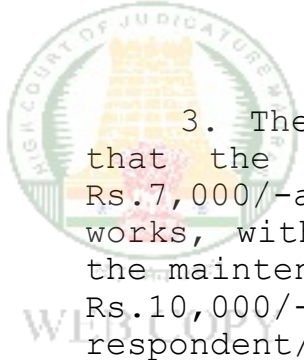
For Petitioner : Mr.C.T. Perumal

For Respondent : Mr. S.C. Herold Singh

O R D E R

This criminal revision case is filed by the petitioner as against the order, dated 22.04.2016 passed by the Judge, Family Court, Tirunelveli District, in M.C. No. 5 of 2016.

2. The brief fact of the case is that the marriage between the petitioner and the respondent was solemnized in Srivilliputtur. The revision petitioner has failed to maintain the respondent/wife. Therefore, the respondent/wife was living separately and she has filed an application in M.C. No.44 of 2015 for maintenance under Section 125 Cr.P.C., directing the respondent/husband to pay a sum of Rs.15,000/-as maintenance and the same was allowed and ordered by directing the petitioner/husband to pay a sum of Rs.10,000/-to the respondent/wife, as maintenance, from the date of petition. Aggrieved over the said order, dated 15.07.2016, the revision petitioner/husband is before this Court.



3. The learned counsel appearing for the petitioner submitted that the petitioner is working in Mill and earned a sum of Rs.7,000/-as salary and earned a sum of Rs.1,750/-through other works, without considering this aspect the Court below has allowed the maintenance petition by directing the petitioner to pay a sum of Rs.10,000/-as maintenance. He further submitted that 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.10,000/-p.m., mechanically without assigning any valid reason. Hence, prays to allow this revision case.

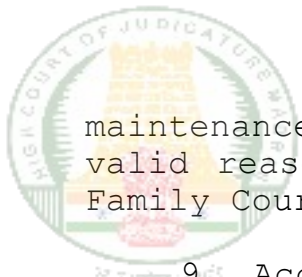
4. The learned counsel appearing for the respondent/wife submitted that she is living separately and the revision petitioner/husband failed to maintain the respondent/wife. He further submitted that the petitioner is working in State Bank of India and drawn a sum of Rs.40,000/-as salary. He further submitted 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 15.07.2016 passed by the learned Judge, Family Court, Srivilliputtur, in M.C. No.44 of 2015.

7. The respondent/wife has filed a petition in M.C. No.44 of 2015 seeking maintenance of Rs.15,000/-p.m., from the date of petition. After full-fledged trial, the learned Judge, Family Court, Srivilliputtur had awarded a sum of Rs.10,000/-p.m., as maintenance from 26.12.2014. Aggrieved by the said order, dated 15.07.2016, the revision petitioner/husband is before this Court.

8. The relationship between the parties and separation among them were admitted by both parties. Admittedly, this revision petitioner is working as Assistant in State Bank of India. The Divisional Manager who is working in State Bank of India was examined as P.W.2. He categorically deposed in his evidence that the revision petitioner is working in his Bank and he is drawing a sum of Rs.25,000/- to Rs.30,000/-p.m. If the revision petitioner really drawn less salary he might produce his salary certificate before the Court. The evidence of the Divisional Manager was recorded in the year 2016. Definitely, the revision petitioner may earn more now. On basis of the P.W.2's evidence, the learned Judge, Family Court, Srivilliputtur ordered a sum of Rs.10,000/-p.m., as



maintenance, with proper appreciation. Therefore, this Court has no valid reason to interfere with the findings of the learned Judge, Family Court, Srivilliputtur.

9. Accordingly, this Criminal Revision Case stands dismissed and the order, dated 22.04.2016 passed by the learned Judge, Family Court, Srivilliputtur, in M.C. No. 44 of 2015, is hereby confirmed.

Sd/-

Assistant Registrar ()

// 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 Judge,
Family Court,
Srivilliputtur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.SCHEROLD SINGH, Advocate (SR-18475[F] dated 05/05/2021)

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-18513[F] dated 07/05/2021)

**Order made in
Crl.RC (MD) No.630 of 2016**

05.05.2021