



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.03.2021

Pronounced on : 01.04.2021

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.R.C. (MD) .848 of 2017

Saravanakumar : Petitioner/Respondent

Vs.

Pandeeshwari : Respondent/Petitioner

PRAYER : Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C, to call for the records in M.C.No.6 of 2017 on the file of the Family Court, Srivilliputhur and set-aside the order dated 20.10.2017.

For Petitioner : Mr.S.Prabhu,
for Mr.D.Ramesh Kumar.

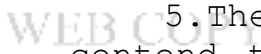
For Respondent : Mr.M.Jothi Basu

ORDER

The Criminal Revision Case is directed against the order passed in M.C.No.6 of 2017, dated 20.10.2017 on the file of the Family Court, Srivilliputhur.

2.It is not in dispute that the marriage between the revision petitioner and the respondent was solemnized on 06.07.2015, and that subsequently, there arose some disputes and misunderstanding between them and that they are living separately.

3. The respondent has filed a case in M.C.No.6 of 2017, invoking Section 125 of Cr.P.C, claiming monthly maintenance at Rs.15,000/- from the revision petitioner. The revision petitioner has filed a counter statement, disputing the liability and prayed for dismissal. The learned Judge of the Family Court, upon considering the evidence adduced and on hearing the arguments of both the sides, has passed the impugned order on 20.10.2017, directing the revision petitioner to pay monthly maintenance at Rs.5,000/- from the date of petition. Aggrieved by the said order, the husband has come forward with the present revision.



7. The respondent would further state that thereafter, the revision petitioner had again taken the respondent to their home, that after two months they had again started to demand dowry, that on 10.06.2016 when the petitioner and their family members had informed her that they would not be in a position to conduct second marriage for the revision petitioner, if the respondent is alive, that the respondent had taken sleeping pills and attempted to commit suicide, that the respondent's mother and brother had taken her to the hospital and that though the respondent was in



her parent's house, the revision petitioner has not attempted to take her to the matrimonial home.

8.The revision petitioner in his evidence would admit that the respondent by taking sleeping pills had attempted to commit suicide, that she was admitted in a private hospital, that when he had visited the hospital, he was informed that the respondent was already discharged from the hospital, that when he visited moher-in-law's house, she was not permitted to enter into the house and that though he had attempted to contact the respondent through cell phone, she had not attended the call. More over, the revision petitioner would admit that the respondent has lodged a complaint of ill-treatment that against the revision petitioner and his parents, sister and sister's husband and on that basis, a case was registered and that they were released on bail.

9.He would further admit that a dowry demand case is pending on the file of the Court of the Judicial Magistrate No.II, Srivilliputhur. The revision petitioner in his evidence would also admit that the respondent has lodged a compliant before the District Legal Service authority and that they have examined the petitioner and the respondent separately. He would also admit that while he had applied for bail, their case was referred to Mediation and Conciliation Centre attached to this Bench and the mediation was attempted.

10.During the trial before the Family Court, the respondent in her cross examination would say that the revision petitioner has agreed to live with the respondent since a complaint was lodged against him, that she is ready to live with the revision petitioner, if he is ready to live as per her wish, that she could not disclose her wish openly, and that she had already informed her wish before the Family Court Counsellor. But the revision petitioner, who has been alleging that he has been ready to live with the respondent, has not chosen to disclose his willingness to accept her wish.

11.It is not the case of the revision petitioner that he had expressed his willingness to accept the wish of the respondent before the Family Court Counsellor. It is not the specific case of the revision petitioner that he has sent any letter or notice inviting the respondent to return to the matrimonial home nor initiated any legal proceedings for restitution of conjugal rights.

12.On considering the entire facts and circumstances of the case and the admission of the revision petitioner in his evidence, the finding of the learned Judge that the petitioner has failed to



reason cannot be found fault with. Though the revision petitioner alleged that the respondent is employed and is getting income of Rs.6,000/-, as rightly observed by the trial Court, he has not produced any evidence to substantiate the same. No doubt, the petitioner has filed Ex.R.1 salary slip to show that he has been working as a Over Tank Operator in Malli Panchayat and is getting monthly salary at Rs.2,600/- from 01.04.2007. Though the respondent has alleged that the revision petitioner has been doing wiring contract and is getting monthly income at Rs.50,000/- and that he has also been doing money lending business, as rightly observed by the learned Judge, she has not produced any materials to prove the same. As rightly pointed out by the learned trial Judge, the revision petitioner could not maintain himself with salary of Rs.2,600/- .

13. According to the trial Court, the revision petitioner is hale and healthy and it is his duty to find a better job with reasonable salary, which would be sufficient to maintain his family. The revision petitioner being the husband of the respondent is duty bound to maintain her and he cannot avoid or evade the liability by alleging that he is getting meagre salary. It is not the case of the revision petitioner that he is not in good health and is not in a position to attend any work.

14. Considering the entire facts and circumstances, the status of the parties and the present economic scenario, the fixation of monthly maintenance at Rs.5,000/- is very much reasonable and the same cannot be said to be excessive. The revision petitioner has not canvassed any other reason or ground to impugn the order. Hence, this Court decides that the revision petition is devoid of merits and the same is liable to be dismissed. Considering the other facts and circumstances of the case, this Court further decides that the parties are to be directed to bear their own costs.

15. In the result, this Criminal Revision Case is dismissed. Parties are directed to bear their own costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

das

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Judge,
Family Court, Srivilliputhur.

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai(2 copies).

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-15046[F] dated
01/04/2021)

CRL.R.C. (MD) .848 of 2017
01.04.2021

SSS(CO)
TR(26.04.2021) 5P 5C