



Crl.R.C.No.1479 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1479 of 2022

and

Crl.M.P.No.16806 of 2022

Lakshminarayanan

... Petitioner

Versus

Revathy Lakshminarayanan

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to set aside the order dated 11.08.2022 passed in F.C.M.C.No.14 of 2019 on the file of the Family Court Judge, Chengalpattu by allowing the Criminal Revision Petition.

For Petitioner : Mr.C.Jayachithra

ORDER

This Criminal Revision Case has been preferred challenging the order dated 11.08.2022 made in F.C.M.C.No.14 of 2019 by the learned Family Court Judge, Chengalpattu.



2.The petitioner is the husband and the respondent is the wife. The respondent/wife filed a maintenance case in F.C.M.C.No.14 of 2019 before the Family Court, Chengalpattu, seeking maintenance of a sum of Rs.15,000/- per month. After enquiry, the learned Judge awarded sum of Rs.8,000/- per month, as maintenance to the respondent/wife. Challenging the said order, the petitioner has filed the present revision.

3. The learned counsel for the petitioner submitted that the petitioner is aged about 63 years, who is a retired employee and getting a sum of Rs.20,000/- per month as pension. He further submitted that the respondent/wife voluntarily left the matrimonial home without any valid reason and during cross examination the respondent herself admitted that she is working in Chennai and getting monthly salary and hence, she cannot seek maintenance as per Section 125 Cr.P.C., Hence, the order passed by the learned Judge is liable to be set aside.

4. Heard the learned counsel for the petitioner and perused the materials available on record.



5. Though the main contention raised by the learned counsel for the petitioner is that the respondent/wife voluntarily left the matrimonial home without any valid reason and she often borrowed loan from her neighbours, however, in order to prove the allegation that the respondent/wife used to borrow loan from the neighbours, none of the neighbours have been examined before the Court below, therefore, the allegations are nothing but bald without any substance. Further, the petitioner/husband has not established that the respondent left the matrimonial home on her own volition without any valid reason.

6. Admittedly, both the petitioner and respondent are living separately and the petitioner is getting a sum of Rs.20,000/- per month as pension and the petitioner has not established that the respondent is having sufficient means to maintain herself and despite having sufficient means, the respondent filed the maintenance case in order to harass the petitioner. The learned Judge, after considering the financial status of both the parties, awarded a sum of Rs.8,000/- per month as monthly maintenance to the respondent/wife.

7. Taking into consideration the facts and circumstances and also



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considering the cost of living prevailing as on date, the Court below rightly awarded Rs.8,000/- per month to the respondent/wife as maintenance.

Therefore, this Court does not find any perversity or infirmity in the order passed by the Court below and hence, the same is liable to be dismissed.

8. In view of the above, this Criminal Revision Case is dismissed at the *limine* and the order dated 11.08.2022 made in F.C.M.C.No.14 of 2019 by the learned Family Court Judge, Chengalpattu. is confirmed. Consequently, connected miscellaneous petition is closed.

09.11.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

To
The Judge,
Family Court,
Chengalpattu.



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P.VELMURUGAN, J.

ms

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