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CrI.RC.No.1502 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1502 of 2022

and

CrI.M.P.No.17411 of 2022

D.Senthilkumar

... Petitioner

Vs.

G.Umadevi

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order passed in M.C.No.13 of 2021 on the file of the Family Court Judge, at Krishnagiri District, dated 01.08.2022.

For Petitioner : Mr.S.Elankumaran

ORDER

This Criminal Revision Case has been filed by the husband challenging the order passed in M.C.No.13 of 2021 on the file of the Family Court Judge, Krishnagiri District, dated 01.08.2022.



2. The petitioner is husband and the respondent is his wife. The marriage between the petitioner and the respondent took place on 03.02.2017 and they have got no issues. Subsequently, they both separated and the wife is living separately. The wife filed a petition under Section 125 Cr.P.C. before the Family Court, Krishnagiri, seeking maintenance of Rs.20,000/-. After hearing both sides, the learned Judge, Family Court, ordered Rs.4,000/- per month towards maintenance to the wife. Challenging the same, the present revision has been filed by the husband, before this Court. For the sake of convenience, the parties are referred to as per their relationship as husband and wife.

3. The case of the husband is that the wife is living adultery and therefore, she left the matrimonial home and living separately. The husband before Covid-19 pandemic, was earning Rs.8,000/- per month and thereafter, due to pandemic, he lost his job and he is unable to maintain himself. Further, he has to maintain his age old mother. Therefore, there is no question of maintaining his wife. Further, the wife is working and earning more than the husband. The learned Judge, Family Court, failed to consider the income status of the husband and ordered Rs.4,000/- per month without any materials which is perverse.



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

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5. It is seen that so far, no matrimonial Original Petition is filed by the husband seeking divorce on the ground of adultery and there is no judicial separation on the ground on adultery. Though the husband stated that the wife is earning Rs.12,000/- per month, but no proof is filed to substantiate the same. Further, the husband admitted in his evidence before the Court below that he is having own house and also having 80 cents of land and he has not produced any material to show that he lost his job.

6. Therefore, considering the facts and circumstances, this Court finds that the husband is having a man of means and the wife is unable to maintain herself and that the Family Court has ordered only a sum of Rs.4,000/- per month towards maintenance. Therefore, this Court does not find any perversity in the order passed by the Family Court in M.C.No.13 of 2021 dated 01.08.2022 and there is no merit in the revision and the revision is liable to be dismissed.



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7. Accordingly, this Criminal Revision Case is dismissed at the admission stage itself. Consequently, connected Miscellaneous Petition is closed.

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To

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The Family Court,
Krishnagiri District.



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P.VELMURUGAN,J.

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