



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.R.C(MD).No.144 of 2021

Jothiramalingam

... Petitioner/Respondent

Vs

1.Sumathi

2.Minor Mangayarkarasi

Represented by the first respondent her mother and natural Guardian

... Respondent/Petitioner

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, to call for the records in M.C.No.37 of 2019 on the file of the Family Court, Sivagangai dated 09.07.2020 and set aside the order by allowing the Criminal Revision Petition.

For Petitioner

: Mr.A.Arumugam

For Respondent

No.1

: Mr.PT.S.Narendravasan

O R D E R

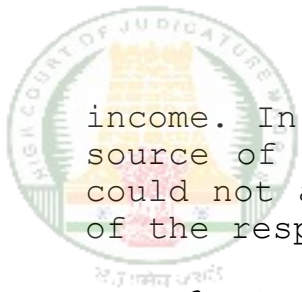
This Criminal Revision Case has been filed as against the order passed in M.C.No.37 of 2019 on 09.07.2020 by the Family Court, Sivagangai.

2. The petitioner got married the first respondent on 12.07.2000 and, gave birth to the second respondent and another female child. Due to cruelty and harassment of the petitioner herein, the first respondent was driven out from the matrimonial house and she is living separately along with the second respondent. While being so, the petitioner filed a petition for divorce in H.M.O.P.No.219 of 2018 before the Family Court, Sivagangai. As such, the respondent has also filed a petition for maintenance against the petitioner in M.C.No.37 of 2019 before the Family Court, Sivagangai.

3. On the side of the respondent, she was examined as P.W.1 and Exs.P1 to P3 were marked. On the side of the petitioner, he was examined as D.W.1 and no documents were marked.

4. After perusing the materials available on record, the trial Court found that the petitioner has source of income and ordered maintenance of Rs.8000/- per month for each of the respondents payable by the petitioner.

5. The learned counsel appearing for the petitioner submits that the petitioner is an Agriculturalist and he has no source of



income. In fact, there is no proof to show that the petitioner has source of income before the trial Court. Therefore, the petitioner could not able to pay the monthly maintenance of Rs.8000/- for each of the respondents.

6. On perusal of the evidence, it reveals that the petitioner went to abroad for avocation and returned back to India. He obtained housing loan and constructed house in his property. That apart, he is possessing Tractor and doing agricultural business. Though there is no evidence to show that the petitioner is earning this much of amount, he has source of income to repay the loan which was borrowed by him to construct the house. Further, the divorce petition filed by the petitioner was dismissed. The first respondent has also filed the petition under the Domestic Violence Act and it is pending.

7. In view of the aforesaid facts, this Court do not find any infirmity in respect of the order passed by the Court below and the respondents are entitled to get monthly maintenance from the petitioner. However, insofar as the quantum of maintenance is concerned, the monthly maintenance of Rs.8,000/- ordered by the Court below to each of the respondents is higher. Hence, this Court is inclined to reduce the monthly maintenance from Rs.8,000/- to Rs.6,000/- and the petitioner is directed to pay the monthly maintenance of Rs.6,000/- to each of the respondents.

8. Accordingly, the Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

ssb

To

Family Court, Sivagangai

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-14085[F] dated 24/03/2022)

CRL.R.C(MD).No.144 of 2021
23.03.2022

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