

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21/11/2022

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.RC(MD)No.358 of 2021
and
Cr1.MP(MD)No.3583 of 2021

Sherrill Sibul : Petitioner/Respondent

Vs.

D.Sumathy : Respondent/Petitioner

Prayer:- This Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed in MC No.89 of 2015, dated 13/09/2019 passed by the Family Judge, Madurai and set aside the same and pass such other and further suitable orders.

For Petitioner : Mr.K.Samidurai

For Respondent : Mr.A.Saravanan

O R D E R

This revision has been filed seeking to set aside the passed in MC No.89 of 2015, dated 13/09/2019 by the Family Judge, Madurai.

2.The facts in brief:-

The marriage between the parties took place, on 02/10/2014 as per their customary rites at Madurai. At the time of marriage, the wife was provided with sufficient jewels, silver articles, etc. They were living only for two days. The wife was treated in an unhuman way by the husband. She was always ill-treated by her husband and in-laws. She was forced to do the domestic work without any basic rest. On 03/12/2014, the husband assaulted the wife with belt and the mother-in-law also joined with him. They also obtained her signature in blank papers. Because of the above said assault, the wife came to her parental home and took treatment. A compromise talk was undertaken, on 12/01/2015. At that time, an undertaking was given by her husband and his family members. They remained silent for two months. Later, they started assaulting and they also demanded

money and two wheeler, etc. They also made some arrangement to perform second marriage. So seeking maintenance amount of Rs.15,000/- per month and litigation expenses of Rs.20,000/-, the above said petition was filed by the wife.

3.That was resisted by the husband on the ground that even though, the marriage is admitted, during the first night itself, it was found that that the wife is suffering from so many diseases. So respondent did not start the matrimonial life. More-over, the wife is aged more than the the husband. That was also brought to his notice only after the above said marriage. The wife is affected with skin disease and she was also not attending the domestic work. He is working as teacher in a private school and earning Rs.6,000/- per month. The husband has to look after his aged parents.

4.On the side of the wife, she was examined herself as PW1 and two documents were marked. On the side of the husband, he was examined himself as RW1 and two documents were marked on his side.

5. At the conclusion of the trial, the trial court directed the husband to pay Rs.3,000/- as monthly maintenance to the wife. Challenging the above said order, this revision petition has been filed.

6. Heard both sides.

7. Even at that time of hearing the matter, the court thought it fit to refer the matter to the Mediation Centre attached to this Bench, but it could not be settled for some unknown reasons and Civil Miscellaneous Appeal is also stated to be pending before this court.

8. This court absolutely not in a position to understand the grievance of the petitioner. He admitted that he is working as teacher in a private school and he also admitted that he was drawing Rs.6,000/- as monthly salary on the date of the petition. Only Rs.3,000/- has been ordered as maintenance to the wife by the trial court, even this amount is disputed by the petitioner by way of filing this revision.

9.What was the reason for the matrimonial dispute would have been seized by the court before which CMA is stated to be pending. What was the other matrimonial issue between them is not clear on record.

10.Now whatever it may be, as mentioned earlier, the marriage between them is not disputed. It appears that there is only a petty issue between them, over some sort of disease suffered by the respondent herein and further details are not available. Since the marriage is admitted and the dispute is also admitted and they are not living jointly, naturally the petitioner has to maintain his wife. Absolutely, I find no reason to interfere in the order of the trial court.

11.In the result, this criminal revision is **dismissed**, confirming the impugned order passed by the trial court. Consequently, connected Miscellaneous Petition is closed.

21/11/2022

Index:Yes/No
Internet:Yes/No

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G.ILANGOVAN, J

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To,

The Family Court,
Maudrai.

Cr1.RC (MD) No.358 of 2021

21.11.2022