



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.12.2021
Delivered On : 07.01.2022

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

**Crl.R.C. (MD) .No.344 of 2019
and Crl.M.P. (MD) .No.5063 of 2019**

M.Prabhu Sankar

.. Petitioner

/Vs./

Eswari

.. Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 (3) r/w 401 of the Criminal Procedure Code, to allow the revision petition by setting aside the order dated 08.03.2018 in Cr.M.P.No.3672 of 2017 in M.C.No.15 of 2017 by the learned Judicial Magistrate, Thirumangalam.

For Petitioner : Mr.R.Senthil Kumar

For Respondent : Mr.F.X.Eugene

O R D E R

The revision petitioner is the husband. The respondent is the wife. The respondent herein filed a petition in Cr.M.P.No.3672 of 2017 in M.C.No.15 of 2017 for interim maintenance. That petition was allowed by the trial Court and the petitioner was ordered to pay a sum of Rs.3,000/- as maintenance. Against the order the petitioner has filed this petition.

2.The brief substance of the petition filed by the wife is as follows:

The petitioner and the respondent were living together in a joint family in Alanganallur and due to the instigation of the sister of the husband, there is mis-understanding between the spouse, the petitioner was driven out from the house. All her jewels and documents are with the husband. The petitioner filed a petition for maintenance. The husband is earning Rs.50,000/- per month and the petitioner prays Rs.6,000/- as interim maintenance.

3.The brief substances of the counter affidavit filed by the husband is as follows:

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



It is true that the petitioner and the respondent lived in Alanganallur after their marriage. It is false to state that the petitioner lived in the joint family. The petitioner and the respondent lived as a separate family. It was the petitioner who treated the parents of the husband in a negligent manner. The jewels and other articles of the petitioners are not with the respondent. The petitioner took away of the jewels and her articles and she left the house. The respondent is ready to hand over 29 sovereigns of gold and Rs.50,000/- worth articles. The petitioner is having a house and four shops and she get rental income from them. She is an Advocate and is earning sufficiently, whereas the respondent is working as a daily wage in a private shop. The respondent filed a divorce petition against the petitioner. Only with that motive to harass the respondent the petitioner has come forward with this petition.

4.On the side of the petitioner one witnesses was examined and one document was marked. On the side of the respondent one witness was examined and one document was marked. The learned Judicial Magistrate, Thirumangalam, ordered a sum of Rs.3,000/- to be paid as maintenance for the petitioner. Against that order the respondent/husband has approached this Court.

5.On the side of the revision petitioner, it is stated that the trial Court has failed to see the petitioner is working as a daily wager in a private shop. The trial Court failed to consider that the respondent is an Advocate, who is also earning. The petitioner has to maintain his aged parents and prayed the impugned order to be set aside.

6.On the side of the respondent it is stated that the respondent is only a law Junior and she has not completed hre law degree at the time of enquiry and she is not getting any income. The husband has filed a divorce petition. The entire jewels and documents are with the husband. Maintaining the parents is not a reasonable ground to avoid paying maintenance to the wife. The amount awarded by the trial Court is only a meagre amount and prayed the revision petition to be dismissed.

7.No document was filed on the side of the revision petitioner to prove the income of the wife. The respondent has filed the copy of the sale deed in the name of the revision petitioner, which was marked as Ex.P1. Since the husband has not proved that the wife is getting any income and since Ex.P1 reveals that the husband is having some landed property, considering that maintaining the parents is not a reasonable ground to avoid payment of maintenance to the wife and considering that it was the revision petitioner who has filed a divorce petition, which is pending. Considering that the order is an interim order and the maintenance amount is also reasonable, this Court is of the view that there is no sufficient

<https://hccs.courts.go.in/hccs/judges/> interfere with the orders of the trial Court.



8. Accordingly, this Criminal Revision Case is dismissed.
Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The Judicial Magistrate, Thirumangalam.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-725[F] dated 07/01/2022)

Crl.R.C. (MD) .No.344 of 2019

07.01.2022

RK(25/01/2022) 3P 3C