



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.440 of 2020

Selvaraj .. Petitioner/Respondent

Vs.

Kameswari .. Respondent/Petitioner

Prayer:- Criminal Revision petition is filed under Section 397 r/w 401 Cr.P.C, to call for the records pertaining to the order passed in M.C.No. 22 of 2019 dated 05.03.2020 on the file of the Family Court, Sivagangai and set aside the same.

For Petitioner : No Appearance

For Respondent : Mr.K.Gokul

ORDER

This Criminal Revision case has been preferred against the maintenance that was awarded by the Family Court, Sivagangai, in M.C.No.22 of 2019, dated 05.03.2020.

2.Case in brief:-

(i) The marriage between the revision petitioner and the respondent herein took place on 21.08.1994 as per the religious customs



and rites. At the time of marriage, the respondent was working in Police Department. They had two children. After some 4 years, the revision petitioner alleged to have caused trouble to the wife in a drunken mode. Later, he developed some illegal intimacy with another woman namely, Bhavulin. Now, he is living with the above said woman. Over which, police complaint was given on 03.03.2013 and the revision petitioner was warned by the department officials. Thereafter, assault was also made by the petitioner along with the above said Bhavulin and her daughter. By which, the right side eye of the respondent was also damaged. On 27.03.2019, she was also physically assaulted. Over which, case in Crime No.50 of 2019 was registered. The revision petitioner has received a sum of Rs.25,000/- as pension amount. Apart from that, he is also having sufficient income through agricultural land.

(ii) Seeking maintenance amount of Rs.20,000/-, the above said petition in M.C.No.22 of 2019 was filed. It was resisted by the revision petitioner that she is having sufficient income to maintain herself. She was not taking care of the family in a proper way. He is getting only Rs.18,5000/- as monthly pension amount. But, however, he is ready to pay a sum of Rs.2,000/- as monthly maintenance.



(iii) At the conclusion of enquiry, the Trial Court has come to the conclusion that the revision petitioner developed intimacy with the above said Bhavulin and deserted the respondent. She was also physically assaulted by the revision petitioner. They lived together for about 20 years. Two children also born to them. After retirement, he is also getting monthly pension amount. So, finding that the revision petitioner has neglected the wife, he was directed to pay a sum of Rs.15,000/- as monthly maintenance. So, challenging the above said order, this revision has been preferred.

3. When the matter was called on 20.09.2022, there was no representation for the revision petitioner. Going through the records, it is seen that after 24 years of marriage, after getting two male children, now, problem was arisen between the parties. The revision petitioner is not taking any steps to joint living. But, on contrary, it appears that he is living with some other lady. Now, he is also retired. On the basis of the above said facts and circumstances only, the above said maintenance order was passed.

4. Absolutely, I find no ground is made out by the petitioner to interfere with the order. Since the revision petitioner is getting pension



amount of Rs.25,000/-, he has to share the above said maintenance amount to the wife, who is aged about 52 at the time of the petition.

5.Considering the age of the respondent and long marital life between them, I am of the considered view that no ground has been made out by the revision petitioner to interfere with the order that has been passed by the Family Court, Sivagangai, in M.C.No.22 of 2019, dated 05.03.2020.

6.In the result, this Criminal Revision Case is **dismissed**.

28.09.2022

Internet : Yes/No
Internet : Yes/No

dss

To

The Family Court,
Sivagangai



WEB COPY



5

G.ILANGOVA N.,J.

dss

Crl.R.C.(MD).No.440 of 2020

28.09.2022