



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10/11/2022

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.RC(MD)No.486 of 2020

S.Manikandan : Petitioner/Revision Petitioner

Vs.

1.Menaka
2.Minor Prashitha
3.Minor Srinivasan
(R2 and R3 are represented
by mother and natural guardian
1st respondent herein) : Respondent/Petitioners

Prayer: Criminal Revision is filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records in M.C No.30 of 2017 on the file of the Family Judge, Dindigul and to set aside the order passed in MC No. 30 of 2017, dated 15/06/2020 and to pass any such further or other orders.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.K.Arul Raj



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This criminal revision has been preferred seeking to set aside the order, dated 15/06/2020 made in M.C No.30 of 2017 on the file of the Family Judge, Dindigul.

2.The facts in brief:-

It is a matrimonial dispute, over which, the above said maintenance proceedings has been initiated by the wife. The marriage between the wife and the husband took place, on 14/06/2009 as per their Hindu customary rites. Because of the above said marriage, two children born to them. During their matrimonial life, the wife was harassed, demanding 10 sovereigns of gold jewels. She was also physically assaulted and torture was also made. Because of the continuous torture, she went to her parental home. Even after the birth of the children, no step was taken by the husband to retake the wife. Since, there is no income to maintain herself and the children, she has filed the petition seeking maintenance of Rs.10,000/- each.

3.That was resisted by the husband stating that there was no physical or mental torture to the wife. On 21/11/2013, the wife of her own accord, deserted the husband and went to her parental home. Actually, the



husband is helping financially to the parents of the wife. She is also earning income by doing weaving. He is earning only Rs.4,000/- per month. He is also ready to take the children and maintain them.

4.At the conclusion of the enquiry, the trial court found that no effort was taken by the husband to take the wife back to the matrimonial home; The ground of desertion that was made by the husband was also not accepted by the trial court. It is also seen that a police complaint was given against the husband and others before the AWPS, Dindigul. The copy of the same is also marked as Ex.P3. From the above said complaint, the trial court came to the conclusion that there was sufficient reason for the wife to live separately and there is no proof to show that the wife is earning by doing weaving business. But per contra, it was found by the trial court that the husband would have been earned Rs.750/- per day and accordingly, the above said amount was calculated and Rs.2,000/- each per month has been awarded maintenance towards the wife and children.

5.I am unable to accept any of the grounds that has been advanced by the revision petitioner in this revision petition. The amount of Rs.2,000/- has been awarded by the trial court is taking into consideration the financial capacity of both the parties. Awarding Rs.2,000/- each per



month is not even sufficient for meeting out the sundry expenses of the wife and the children. Even that amount has been challenged by way of this revision, it is totally devoid of any merit. Being the husband, the revision petitioner is bound to maintain the wife and the children at any costs. He himself has admitted that he is also doing weaving work. So naturally, his earning capacity also stands proved.

6.In the result, this criminal revision fails and the same **dismissed**.

10/11/2022

Index:Yes/No

Internet:Yes/No

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To,

The Family Judge,
Dindigul.



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G.ILANGOVAN, J

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