



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.263 of 2017

P.Palpandian

.. Petitioner

Vs.

Indirani

.. Respondent

Prayer : This Criminal Revision Case is filed under Sections 397(1) r/w. 401 of Cr.P.C., to call for the records and to set aside the order passed by the learned Judge, Family Court, Srivilliputhur in M.C.No.55 of 2015 dated 14.02.2017.

For Petitioner : Mr.R.Manickam
For Respondent : Mr.A.Balaji

ORDER

This petition has been filed to set aside the order passed in M.C.No.55 of 2015 dated 14.02.2017 on the file of the learned Judge, Family Court, Srivilliputhur.

2.The revision petitioner is the husband and the respondent is the wife. The respondent herein has filed a petition in M.C.No.55 of 2015 before the learned Judge, Family Court, Srivilliputhur. The Family Court has awarded maintenance of Rs.10,000/- (Rupees Ten Thousand only) per month to be paid by the petitioner husband. Against the order, the petitioner has preferred this revision.

3.On the side of the petitioner, it is stated that the marriage took place on 30.04.2006. The petitioner and the respondent have no issues and they lived together for a period of one week and then the respondent wife deserted the petitioner and left matrimonial home in the year 2006 itself. The petitioner spent Rs.2,00,000/- (Rupees Two Lakhs only) for the education of the respondent wife, who completed teacher training course. The trial Court failed to consider that the husband was repaying a sum of Rs.22,284/- towards housing loan from his salary and he has repaid Rs.6,798/- for repayment of loan from the Society and he has to pay the insurance premium. Hence, the petitioner is not able to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as maintenance to the



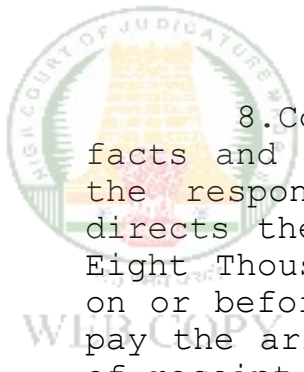
wife and prayed the order of the trial Court to be set aside.

4. On the side of the respondent, it is stated that the petitioner has filed this petition for maintenance on 22.04.2015. The trial Court has ordered maintenance on 14.02.2017. The petitioner has to pay arrears of maintenance for a period of 69 months. Only at the time of filing this revision, the petitioner has paid Rs.1,80,000/- and there is still a balance of Rs.5,81,000/- to be paid by the petitioner. The petitioner is a Government school teacher and he is getting more than Rs.70,000/- per month as salary. The petitioner is retiring next year and prayed the petition to be dismissed.

5. It is seen that the marriage between the petitioner and the respondent is admitted. The case of the revision petitioner is that the wife deserted the husband and the case of the wife is that the petitioner left the wife at the house of her parents in the year 2010 and failed to take her back to the matrimonial home. When the wife visited the matrimonial house to attend the funeral of her mother-in-law, she was chased away from the house ten days after the death of her mother in law.

6. On the side of the revision petitioner, it is stated that the wife was residing in the hostel and then in the house of her parents till she completed teacher training. After five years on 07.05.2013, the wife attended the funeral of the mother in law and stayed one week in the house of the husband. She left the house after informing the other relatives to arrange for mutual divorce. There is absolutely no connection between the petitioner and his wife from 07.05.2013 till May 2015.

7. It is seen that due to misunderstanding between the spouses, the revision petitioner and the respondent are living separately. The respondent in his counter has stated that he is not having any movable or immovable properties but it is seen that he has purchased a house and has obtained a housing loan. Ex.R1 is the document for housing loan and Ex.R4, copy of the insurance certificate for the house. The salary certificate of the revision petitioner was marked as Ex.P2. A perusal of Ex.P1 reveals that the petitioner is working as the Secondary Grade Teacher in Panchayat Union Primary School, Meenachipuram and his salary as on March 2016 is Rs.40,856/- (Rupees Forty Thousand Eight Hundred and Fifty Six only). The expenditure towards repayment of housing loan is only for the purpose of an investment. The balance loan due for the petitioner to be paid for the Society as on 01.11.2016 is Rs.1,12,865/- (Rupees One Lakh Twelve Thousand Eight Hundred and Sixty Five only). How long will it take for repayment of the loan is not stated by the petitioner. The rental income from the house property was not mentioned by the revision petitioner. Now the salary of the teacher was increased up to Rs.70,000/-.



8.Considering the salary of the teacher and considering the facts and circumstances of this case and considering the fact that the respondent has also completed teacher training, this Court directs the revision petitioner to pay a sum of Rs.8,000/- (Rupees Eight Thousand only) as monthly maintenance to the respondent wife on or before fifth of every month and the petitioner is directed to pay the arrears amount within a period of two months from the date of receipt of copy of this order.

9.With the above direction, this Criminal Revision Case is allowed and the order passed in M.C.No.55 of 2015 dated 14.02.2017 on the file of the learned Judge, Family Court, Srivilliputhur is set aside.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Judge, Family Court, Srivilliputhur.

COPY TO:

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.R.MANICKAM, Advocate (SR-4178[F] dated 04/02/2022)

Crl. R.C.(MD)No.263 of 2017
02.02.2022

RD(22.02.2022) 3P 5C