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CrI.R.C.No.1387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

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THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

CrI.R.C.No.1387 of 2023 and
CrI.M.P.No.11750 of 2023

M.Muthu

... Petitioner

Vs.

K.Meenupriyaa

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records relating to M.P.No.142 of 2022 in M.C.No.493 of 2021 on the file of the III Additional Principal Judge, Family Court, Chennai and set aside the order of interim maintenance dated 15.09.2022.

For Petitioner : Mr.A.Chidambaram

ORDER

Challenging the orders dated 15.09.2022 passed in M.P.No.142 of 2022 in M.C.No.493 of 2021 by the learned III Additional Principal Judge, Family Court, Chennai, the present Criminal Revision is filed by the revision petitioner/husband.



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2. The respondent/wife filed a petition in M.C.No.493 of 2021 seeking maintenance from the revision petitioner/husband at the rate of Rs.50,000/- per month. During the pendency of the maintenance case, the respondent/wife filed an application in M.P.No.142 of 2022 in M.C.No.493 of 2021 under Section 125 (2) of Cr.P.C., seeking interim maintenance at the rate of Rs.25,000/- per month. The revision petitioner/husband filed a detailed counter and the trial court Judge after considering the rival submissions, directed the present revision petitioner to pay interim maintenance of Rs.15,000/- per month to the respondent/wife. The trial Court further directed the present revision petitioner to pay the arrears of maintenance to the respondent within a period of two months from the date of the order.

3. Mr.A.Chidambaram, learned counsel for the petitioner contended that the respondent/wife is working in a private concern and staying in a working women's hostel and therefore she can maintain herself.



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4. A perusal of records shows that in the counter filed in the maintenance petition, the present revision petitioner in paragraph No.6 had specifically mentioned thus:

“6. The relief of maintenance doesn't arise to the petitioner since being a single woman, no child issues among them, admittedly short lived together, petitioner being well educated to earn herself and she is hale and healthy only refuses to go for work nevertheless would only disentitle her to maintenance no purpose would arise to invoke this provision, on this footing, this petition to be dismissed in limini.

5. Thus even according to the revision petitioner, the respondent/wife though well educated, refusing to go for job. Merely because the respondent is staying in a ladies hostel, it cannot be stated that she is working in a private concern and earning sufficiently to meet out her expenses. It is pertinent to point out that the present revision petitioner did not adduce any acceptable oral / documentary evidence to substantiate his contention in this regard. The respondent had stated in paragraph 7 thus:



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“7. It is also stated that at presently, I am unemployed and unable to fetch any job due to the harassments and cruelty suffered at the hands of the respondent and his family. Further, all my hard earned money during my married life was absolutely usurped by the respondent, his mother Sivagami, his sister and his family members. The respondent herein used to pay his credit card bills, Life Insurance, Car Insurance and all their basic necessities were fulfilled by my salary and they forced me to get money as dowry for performing his sister's marriage. When I refused to budge to their demands, they used my jewels to conduct his sister's marriage. Further it would be apparent from all my bank transactions that my earnings were used by the respondent and his family members.

6. The learned trial Court Judge taking into account the allegations made by the respondent/wife, had by a well considered order directed the present revision petitioner to pay interim maintenance of



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Rs.15,000/- It is also admitted fact that the present revision petitioner is working in an IT company and earning a sum of Rs.1 lakh per month.

7. Considering the financial status of both the petitioner and the respondent, this Court is of the view that the amount of Rs.15,000/- awarded by the trial Court Judge towards interim maintenance is meagre and therefore the Criminal Revision is dismissed at the admission stage itself. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.



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To

The III Additional Principal Judge,
Family Court, Chennai.

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