



CrI.R.C. No.799 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

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

CrI.R.C.No.799 of 2023

G. Ravichandran @ Ravishankar

...Petitioner

Vs.

1. Chandrakala

2. R.C. Nithyashree (minor)

D/o. Ravichandran @ Ravishankar

Represented by her mother and natural guardian

... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. against the order dated 28.11.2022 in M.C. No.383 of 2012 on the file of the III Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr. B. Mahendra Naidu

For Respondents : Mr. Ajay Francis Inigo Loyola

ORDER

Challenging the orders dated 28.11.2022 passed by the III Additional Principal Judge, Family Court, Chennai, in M.C. No.383 of 2012, the present Criminal Revision Petition is filed.



CrI.R.C. No.799 of 2023

WEB COPY

2. The sequence of events are narrated as under:

- i. The present revision petitioner is the husband of the 1st respondent herein and their marriage was solemnised on 23.02.2004 at Ramakrishnan Jeevarathinammal Arangam, Rajapalayam, according to Hindu Rites and Customs and they were blessed with a girl child by name R.C.Nithyashree. The present revision petitioner is working as an Assistant in the Directorate of Vigilance and Anti Corruption, Chennai, and is earning a monthly salary of Rs.25,000/-.
- ii. The respondents left the matrimonial home as they were unable to bear the harassment meted out to them physically as well as mentally.
- iii. Thereafter, they filed M.C. No.383/2012 before the III Additional Principal Family Court, Chennai, seeking maintenance of Rs.7,500/- per month to the first respondent and Rs.5,000/- per month to the 2nd respondent.



CrI.R.C. No.799 of 2023

WEB COPY

- iv. The present revision petitioner filed a counter in which *inter alia* it is stated that the 1st respondent herein left the matrimonial home even without informing him and also without any valid reason. According to him, the conduct of the 1st respondent was unnatural and she used to pick up frequent quarrel with him and she would also abuse him in filthy language.
- v. In the trial court, the 1st respondent/wife examined herself and marked Ex.P1 to Ex.P6. The revision petitioner/husband examined himself and marked Ex.R1 to Ex.R10.
- vi. After analysing the oral and documentary evidence adduced on both sides, the learned III Additional Principal Judge, Family Court, Chennai, vide her orders dated 28.11.2022, allowed the petition filed by the respondents and directed the present petitioner to pay a maintenance of Rs.7,500/- per month to the 1st respondent and Rs.15,000/- per month to the 2nd respondent from the date of filing of the petition i.e. 28.08.2012.



CrI.R.C. No.799 of 2023

WEB COPY

3. Aggrieved over the orders passed by the trial court judge, the present Criminal Revision is filed by the petitioner/husband.

4. Heard, Mr. B. Mahendra Naidu, learned counsel for the revision petitioner and Mr. Ajay Francis Inigo Loyola, learned counsel for the respondents.

5. Mr. B. Mahendra Naidu, learned counsel for the revision petitioner contended that the petitioner is ready to settle the entire amount due to the respondents and that he is also ready to settle the property which is situate in Rajapalayam in favour of the 2nd respondent.

6. Per contra, Mr. Ajay Francis Inigo Loyola, learned counsel for the respondents contended that so far the present petitioner did not pay even a single pie towards maintenance to the respondents herein and that the trial court judge, after considering the various aspects of the case, had passed a detailed order and there is no reason for this court to interfere with the same in the present criminal revision petition.



CrI.R.C. No.799 of 2023

WEB COPY

7. It is seen from the records that the present revision petitioner is working as an Assistant in the Directorate of Vigilance and Anti Corruption, Chennai, and his gross salary is Rs.78,080/- as per the payslip of March 2023. This pay slip was furnished before this court by the learned counsel for the revision petitioner. It is seen from the records that the 1st respondent along with her child had to leave the matrimonial home as she was unable to bear the ill-treatment meted out to her at the hands of her husband. The learned trial court judge had gone into this aspect in extenso and in paragraph Nos. 14 and 15 observed thus:

"14. The respondent has taken a stand that the 1st petitioner deserted the respondent voluntarily hence she is not entitled to get maintenance. The P.W.1 in her cross-examination dated 10.04.2017 deposed that "2010 Mk; Mz;L ehdhf jhd; vd; ngw;Nwhh; tPl;Lf;F nrd;Nwd; vd;whYk; rhpjhd;. vd;id md;W kpfTk; nfhLikgLj;jpajhYk; Foe;ijia jhf;fpajhYk; rpfpr;ir ngw;w gpwF ngw;Nwhh; tPl;Lf;F nrd;Nwd;."



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15. The 1st petitioner has explained under what circumstances she left the matrimonial home. The respondent has also argued that divorce was granted by the Sub-court, Srivilliputhur in H.M.O.P. No.162/2013 on 30.06.2022. Admittedly, after filing maintenance petition by the 1st petitioner only, the respondent filed the divorce OP on 06.08.2013 and obtained an ex-parte decree on 23.06.2015, subsequently, it was set aside. But the respondent has not whispered about the date on which he got married one Thangammal and delivered a daughter through the 2nd marriage on 19.02.2016. The respondent got married during the subsistence of first marriage. In Ex.P6 it is clearly discussed as to how he had obtained the ex-parte decree behind the back of the 1st petitioner. The respondent did not approach the Sub-Court with clean hands.

The above observations of the trial court judge is based on evidence.

Though it is contended by the revision petitioner that the 1st respondent



CrI.R.C. No.799 of 2023

WEB COPY

is employed and has independent source of income, the same has not been substantiated by him. The specific contention of the 1st respondent is that she was not employed at the time of filing of the maintenance case and that now she is an agent in Life Insurance Corporation of India. Considering the status of the present revision petitioner and also the status of the 1st respondent herein, the trial court had awarded a maintenance of Rs.7,500/- per month to the 1st respondent and Rs.15,000/- per month to the 2nd respondent from the date of filing of the petition. The award passed by the trial court judge cannot be said to be on the higher side especially when the present revision petitioner is working as an Assistant in Directorate of Vigilance and Anti Corruption, Chennai, and earning a sum of Rs.78,080/- per month. Therefore, I do not see any reason to interfere with the well considered order passed by the learned trial court judge. As far as the settlement of dispute between the parties, both the parties can approach the trial court and settle their issues.



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CrI.R.C. No.799 of 2023

8. In the result,

- i. the Criminal Revision Petition is dismissed. No costs.
- ii. The order dated 28.11.2022 in M.C. No.383 of 2012 on the file of the III Additional Principal Family Court, Chennai, is confirmed.

20.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga

To

The III Additional Principal Judge, Family Court, Chennai.



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Crl.R.C. No.799 of 2023

R. HEMALATHA, J.
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Crl.R.C.No.799 of 2023

20.07.2023