



Crl.R.C.No.1588 of 2023
and Crl.M.P.No.14647 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.1588 of 2023

and

Crl.M.P.No.14647 of 2023

S.Selvaraj

... Petitioner

Vs.

S.Kokila

... Respondent

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 11.01.2023 in M.C.No.22/2021 on the file of the Family Court, Tiruppur.

For Petitioner : Mr.S.Arjun

ORDER

Challenge in this criminal revision case is made to the orders dated 11.01.2023 in M.C.22/2021 on the file of the Family Court, Tiruppur. The respondent has filed the said maintenance case before the Family Court, Tiruppur under Section 125 of the Code of Criminal



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Procedure seeking maintenance of Rs.75,000/- per month from her husband/the revision petitioner.

2.The facts leading to the filing of the present criminal revision are as follows :

The marriage between the revision petitioner and the respondent was solemnized on 04.09.2020 at Mahakaliyamman Temple, Pallipalayam, Tiruppur District. The respondent/wife was a divorcee. According to the respondent, the marriage between her and the revision petitioner was not consummated and that the revision petitioner was not at all interested in having sex with her. The revision petitioner also treated the respondent cruelly by demanding dowry, on account of which, the respondent had to leave the matrimonial home. Though several attempts were made by the respondent to live with the present revision petitioner, her in-laws abused her in filthy language. Therefore, the respondent filed the petition in M.C.22/2021 seeking maintenance of Rs.75,000/- per month from the present revision petitioner.



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3.The revision petitioner/husband filed a detailed counter in which he had stated that the respondent had left the matrimonial home without sufficient cause and that he did not demand any dowry from the respondent. Therefore, he prayed for dismissal of the petition.

4.In the trial court, the respondent examined herself and marked Ex.P1 to Ex.P3. The revision petitioner examined himself and however, no documentary was adduced on his side.

5.The learned trial court judge after analyzing the evidence on record, partly allowed the maintenance petition and directed the revision petitioner to pay a sum of Rs.20,000/- per month to the respondent. It was further ordered that the maintenance amount should be paid on or before 5th of every English calendar month. Aggrieved over the same, the present criminal revision is filed.



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6.Mr.S.Arjun, learned counsel for the revision petitioner contended that the revision petitioner is a daily wager and that he does not have any means to pay the maintenance amount to his wife. Therefore, he prayed for setting aside the orders passed by the Trial Court Judge.

7.A perusal of the records including the orders passed by the Trial Court Judge shows that the revision petitioner is running a business in the name and style of S.S.Tex and he also owns agricultural land. The Trial Court Judge observed that the revision petitioner is getting a sum of Rs.50,000/- from his business and a sum of Rs.50,000/- from his agricultural land based on the evidence adduced on both sides. Moreover, the revision petitioner as a husband is bound to maintain his wife. Therefore, considering the social status of the revision petitioner and the respondent, the maintenance amount of Rs.20,000/- per month awarded to the respondent by the trial court cannot be said to be on the higher side. In fact, the trial court by a well considered order had awarded



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maintenance amount of Rs.20,000/- per month to the respondent and hence, I do not see any reason to interfere with the same.

8.In the result, this Criminal Revision Case is dismissed at the admission stage itself. Consequently, connected Criminal Miscellaneous Petition is closed. The orders dated 11.01.2023 in M.C.No.22/2021 on the file of the Family Court, Tiruppur, is confirmed.

15.09.2023

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



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R. HEMALATHA, J.
mtl

To

1.The Family Court, Tiruppur.

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