



CrI.R.C.(MD).No.721 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C(MD).No.721 of 2019

P.Viji

... Petitioner/Petitioner/Petitioner

Vs.

Balamurugan

(The jurisdiction of Raisoor Police Station)

... Respondent/Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order dated 12.11.2018 passed in Cr.M.P.No.336 of 2017 in M.C.No.80 of 2015 on the file of the Family Court, Tirunelveli and to set aside the same and to allow this Criminal Revision Petition.

For Petitioner : Mr.C.Saravanakumar

For Respondent : Mr.S.A.Ganapathyraman



CrI.R.C.(MD).No.721 of 2019

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ORDER

The petitioner/wife filed this petition to quash the petition in Cr.M.P.No.336 of 2017 in M.C.No.80 of 2015, dated 12.11.2018 on the file of the Family Court, Tirunelveli. The petitioner is the wife of the respondent who earlier filed maintenance case in M.C.No.80 of 2015 on the file of the Family Court, Tirunelveli, wherein, the Court below granted impugned maintenance award of Rs.10,000/- to the petitioner.

2.The petitioner alleged that the marriage between her and the respondent was solemnized on 30.06.1991 as per Hindu ritual and custom. At the time of marriage, 100 sovereign of gold ornaments, Shrivithana articles worth about Rs.2 lakhs and a sum of Rs.1,00,000/- were given by the parents of the petitioner, at the instigation of the respondent's family. Before the marriage, the petitioner was working as Technical Assistant in the Palayamkottai Corporation. After the marriage, the respondent compelled the petitioner to resign her job. Due to which, she resigned her



CrI.R.C.(MD).No.721 of 2019

WEB COPY

job. The respondent suspected the character of the petitioner without any reason. Due to their wedlock, a female child, namely, Sinduja was born on 10.04.1994. The respondent did not take care of the child and the petitioner. In the year 2002, the respondent was transferred to Mumbai. Thereafter, the respondent did not give any money to maintain the petitioner and their daughter. Then, on 10.09.2007, the petitioner gave a complaint before the Women Police Station, Palayamkottai. During the course of enquiry, the respondent appeared before the Station and undertook to take care of the petitioner and their daughter. But, he has not complied with the same. Therefore, they are living separately. On 12.12.2014, the petitioner conducted the marriage to her daughter. Thereafter, the respondent failed to take care of his wife.

2.1. Hence, the petitioner filed a petition in M.C.No.80 of 2015 before the Family Court, Tirunelveli, claiming monthly maintenance amount of Rs.75,000/- to the petitioner. The learned Judge, Family Court, Tirunelveli, granted maintenance of Rs.10,000/- to the petitioner. Thereafter, the petitioner again filed the petition in Cr.M.P.No.336 of 2017



CrI.R.C.(MD).No.721 of 2019

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seeking enhancement of the maintenance amount and the same was dismissed by the Family Court, Tirunelveli. Challenging the same, the petitioner filed this Revision.

3. The respondent herein filed a counter denying the allegation and specifically stated that even though the petitioner is a domineering and arrogant character, the respondent had adjusted with her throughout, only out of affection and to save the marriage. He further submitted that at the time of marriage, the petitioner's family gave 50 sovereigns of gold ornaments to the petitioner and no additional dowry demanded from the petitioner. After the marriage, the respondent has given 50 sovereigns of gold ornaments to the petitioner. He further submitted that the petitioner is residing in the house of the respondent and receiving rent from the tenant. Further, the petitioner is receiving the pension amount of Rs.19,000/-. Hence, he seeks for dismissal of this case.

4. This Court perused the records and the submission of the learned counsel for both the parties.



CrI.R.C.(MD).No.721 of 2019

WEB COPY

5. It is seen that the petitioner is residing in the house of the respondent. From the said house, she received the rent of more than Rs.15,000/- from the tenant. Apart from that, there was a regular payment of the maintenance amount of Rs.10,000/- as per the order of the Family Court, Tirunelveli in M.C.No.80 of 2015. Apart from the petitioner, the daughter is also living in the house of the respondent and they arranged marriage for the daughter. As on date, she is living with the daughter. Apart from that, the petitioner is receiving pension amount of Rs.19,000/- per month only.

6. Considering the entire facts and circumstances and also the status of the parties and the present economic scenario, the fixation of the monthly maintenance at Rs.10,000/- in the present proceedings under Section 125 Cr.P.C., cannot be found fault with and the amount awarded by the learned trial Judge is reasonable and the same cannot be said to be too low. Hence, this Court dismisses the revision as devoid of merits.



CrI.R.C.(MD).No.721 of 2019

WEB COPY

7. In the result, this Criminal Revision Case is dismissed.

07.12.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
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To

1. The Judge,
Family Court, Tirunelveli.
2. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD).No.721 of 2019

K.K.RAMAKRISHNAN, J.

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Crl.RC(MD). No.721 of 2019

07.12.2023