



CrI.R.C.(MD).No.949 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.09.2023

Delivered on : 19.10.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.RC(MD)No.949 of 2022
and
CrI.M.P.(MD)No.11707 of 2022

Muthupandi

.. Petitioner / Respondent

Vs.

1.Nisha Nanthini

2.Minor Yuvabharathi

.. Respondents/Petitioners

[1st Respondent for herself and
as guardian to the minor to the
2nd 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
28.07.2022 passed in M.C.No.02 of 2022 on the file of the Family Court,
Ramanathapuram and set aside the same.



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For Petitioner : Mr.A.Rajaram

For Respondents : Mr.B.Mahendrarajan

ORDER

This revision petition is filed against the judgment dated 28.07.2022 passed in M.C.No.2 of 2022 by the learned Judge, Family Court, Ramanathapuram.

2.1. Case of the respondent/wife before the trial Court:

The marriage between the petitioner and the first respondent was solemnized on 22.11.2009. Out of the wedlock, the second respondent was born on 08.11.2010. According to the first respondent, the petitioner and his family members caused cruelty to her and she was driven out of her matrimonial home and hence she left the matrimonial home and residing in her parent's house and she was unable to maintain herself with her child. Therefore, she filed the maintenance petition in the above M.C.No.2 of 2022 stating that her husband is earning sufficient income.

2.2. Case of the petitioner/husband before the trial Court:

The husband filed the counter and he admitted the relationship



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and made series of allegations against the first respondent/wife. He stated that without any sufficient cause, the first respondent left the matrimonial home and living separately with her parents. He further stated that the first respondent is earning Rs.12,000/- per month by working in one Kamatchi Batteries. He is working as a security in the Ramanathapuram Anantham Textiles. Due to his security job, he has to stand for a long time which caused Varicose veins. Without taking care of his health, the first respondent left the matrimonial home. Further, he earned only a bare amount and the same is not enough to take treatment for his disease suffering by him and hence, he seeks for dismissal of the petition.

3. The learned trial Judge considered the entire evidence, ie., Ex.P1 to Ex.P4 and Ex.R1 and also examined the petitioner/wife as PW.1 and considering the present day of the cost of living, granted maintenance of Rs.5,000/-each to the first and second respondent, ie., totally Rs.10,000/- towards maintenance. Challenging the same, the petitioner filed this revision petition.



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4. The learned counsel for the petitioner/husband submitted that the petitioner suffered from varicose veins for which he placed reliance on the bunch of medical certificates before this Court without marking before the Court below and stated that due to that he is unable to maintain himself and he is taking continuous treatment for his disease varicose veins.

5. The learned counsel for the respondent/wife submitted that eventhough the learned counsel for the petitioner submitted that the petitioner did not examine himself as a witness to the proceedings and he did not produce any medical bill to prove his case, the learned trial Judge considering the entire aspect and granted Rs.10,000/- only, which is a reasonable amount to both the revision petitioner's wife and daughter and hence, he seeks for dismissal of this revision petition.

6. This Court has considered the rival submissions made by both side and perused the records and also the order impugned in this petition.

7. The relationship is admitted and there is no dispute regarding



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the relationship between the parties. The petitioner took two stands before the trial Court to disown from making the payment of maintenance. One is he is suffering varicose veins. Another is his wife is working in Kamatchi Batteries. To prove the varicose veins, he never produced any medical certificate. The only plea taken by the petitioner before this Court is that he is suffering from varicose veins. He also not deposed before this Court. Similarly, he has not produced any evidence to prove the income of his wife either by examining himself or through the examination of the other competent person from Kamatchi Batteries. In the said circumstances, it is settled principle that mere pleadings is not evidence. The pleadings must be supported with the deposition and documents.

8. The learned trial Judge considering the unchallenged evidence of PW.1 and considering the employment of the petitioner and his salary, economic and social status of the parties, the livelihood requirement of the respondent/wife and her daughter, granted maintenance of Rs.10,000/-. In the considered view of this Court, the trial Judge granted the maintenance in accordance with law. Hence, there



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is no grounds to interfere with the same.

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9. In the result, this Criminal Revision Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

19.10.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PJJ

To

1.The Judge,
Family Court,
Ramanathapuram.

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



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K.K.RAMAKRISHNAN, J.

PJL

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