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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03/03/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.RC(MD)No.73 of 2023
and
Cr1.MP(MD)No.989 of 2023

Raghunathan : Petitioner/Respondent

Vs.

Yasodhai : Respondent/Petitioner

Prayer:- This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order, dated 14/12/2020 made in MC No.16 of 2019 on the file of the Family Court, Sivagangai and pass such further or other orders.

For Petitioner : Mr.D.Venkatachalam

For Respondent : Mr.S.Balasubramanian

O R D E R

This criminal revision has been filed seeking to set aside the order, dated 14/12/2020 made in MC No.16 of 2019 on the file of the Family Court, Sivagangai.

**2. The facts in brief:-**

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It is a matrimonial dispute. The marriage between the husband and wife took place, on 26/05/2010 as per their family customary rites. After the marriage, they were living in the matrimonial home. During their living, the husband by having illicit intimacy with so many women, refused to take care of the family properly. There was no issue between them. During the medical examination, the husband was advised to take medicines and also advised to avoid smoking, taking non-vegetarian foods. He did not continue the treatment properly. He also pledged the jewels, which belongs to her and spend the money lavishly. When that was questioned, she was abused, insulted and assaulted. She was also sent out of the house. She was living with her parents home for about four months. There was compromise between the parties on 15/02/2018, by which she was taken to the matrimonial home. On 12/03/2018, under the heavy influence of alcohol, the husband caused assault with stick on her. So she sustained injuries and complaint was given to the police station, enquiry was made, the husband was warned by the police. Again, the husband did not correct himself. On 06/07/2018, the wife was driven out of the



house. Later, the husband filed a divorce petition in HMOP No.240 of 2018. Seeking maintenance amount of Rs.15,000/-, the above said petition was filed by the wife.

3.That was resisted by the husband stating that only the wife refused to take medical treatment for pregnancy and used to pick up quarrel with him citing the pregnancy. He received the jewels of the wife, pledged the same for the purpose of constructing a house. Demanding the jewels, she picked up quarrel in June 2016 and went to her parental home. In spite of several steps taken by him, the wife did not return. For about 2 years, they were living separately. Only he take steps to bring the wife to the matrimonial home through the All Women Police Station, Manamadurai, on 13/03/2018. He also sent notice, on 31/08/2018 to the wife. In spite of those steps, the wife did not return to the matrimonial home.

4.At the conclusion of the enquiry, the trial court found that the wife is entitled for maintenance, ordered Rs.8,000/- per month.



5. Against which, this criminal revision has been preferred by the husband.

6. According to the petitioner/husband, only the wife deserted the matrimonial home and divorce was also granted in HMOP No.240 of 2018. The same Family Court has also passed the present order. RW2, who was examined on the side of the wife also supporting his case.

7. The respondent/wife would submit that only because of the attitude of the husband, she was forced to live separately.

8. Heard both sides.

9. The marriage between the parties is not disputed and the separation is admitted.

10. Now the husband, who is the petitioner herein would submit that only the wife deserted the matrimonial home voluntarily. He would also say that HMOP No.240 of 2018 which was filed by him, came to be allowed by the Family Court, Sivagangai, on 03/09/2020. But reading of



the order passed by the trial court in this matter as well as the matrimonial proceedings, which was initiated by the husband, seeking divorce, it was concluded that the marital life between the parties came to an end in 2016 itself. When a panchayat was convened, in which, all the sridhana and other articles, which belongs to the wife got returned to her. But with regard to desertion, no finding has been rendered by the trial court, either in this petition or in the matrimonial proceedings.

11.Now whatever it may be, it appears that whether any appeal has been preferred or not is not clear on record. In view of the divorce that was granted, now the marital relationship also came to an end. So being the divorced wife, the respondent herein is entitled to maintenance from the husband, in the absence of any material to show that she is having sufficient means to maintain herself.

12.Regarding the quantum also, I find no reason to interfere, since Rs.8,000/- only ordered by the trial court, even though no sufficient material has been available with regard to the monthly salary of the



13. In the result, this criminal revision is **dismissed**. Consequently connected Miscellaneous Petition is closed.

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Internet:Yes/No
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The Family Court,
Sivagangai.

<https://www.mhc.tn.gov.in/judis>



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