



Crl.R.C.(MD).No.1259 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

**Crl.R.C(MD).No.1259 of 2022 and
Crl.M.P(MD).No.15805 of 2022**

Senthilkumar

... Petitioner

Vs.

Hemamalini

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., to call for the records relating to order passed by the Chief Judicial Magistrate, Thanjavur @ Kumbakonam in M.C.No.25 of 2020, dated 12.09.2022 and set aside the same.

For Petitioner : Mr. V. Sukumar

For Respondent : Mr.T.R. Subramanian

ORDER

This Criminal Revision Case has been filed against the fair and decreetal order, dated 12.09.2022 made in M.C.No.25 of 2020 on the file of the Chief Judicial Magistrate, Thanjavur @ Kumbakonam.



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2. The petitioner married the respondent on 30.08.2018. After the marriage, there was some dispute arose between the petitioner and the respondent. The respondent alleged that there is some harassment at the instance of the petitioner and his mother. In the said circumstances, she left the matrimonial home and staying with her mother and filed M.C.No. 25 of 2020 on the file of the Chief Judicial Magistrate, Thanjavur at Kumbakonam seeking maintenance of Rs.20,000/- per month. The petitioner filed a counter stating that he is suffering from spinal card problem and also taking care of his mother and he is earning only a sum of Rs.30,000/-. He further stated that the respondent herself without any cause left the matrimonial home and hence, he is not liable to pay maintenance. The learned Trial Judge after considering the evidence of PW.1 as well RW1 and Exs.A1 to A3 and Exs.B1 to B3 and also considering the fact that the petitioner is working as a Junior Assistant and he is approximately earning more than Rs.30,000/- granted maintenance at Rs.10,000/- per month to the respondent. Aggrieved with the said order, the petitioner has preferred the present revision before this Court.

3. The learned counsel appearing for the petitioner



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submitted that the petitioner is duty bound to maintain her mother and also he suffered from the spinal card injury and hence, the award granted by the Court below is high and he seeks for reduction of the maintenance amount.

4. On the other hand, the learned counsel appearing for the respondent would submit that the learned Trial Judge after considering all the aspects granted only a sum of Rs.10,000/- per month and hence, he seeks for dismissal of this petition.

5. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials on record.

6. Admittedly, the marriage took place on 30.08.2018, within 65 days, there was some dispute between the petitioner and the respondent. So the respondent left the matrimonial home. It is the specific case of the respondent that petitioner made harassment and also he demanded further dowry. Hence, the respondent reasonably left the matrimonial home and she is living with her mother.



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7. As per the finding of the learned Trial Judge, the respondent did not produce any evidence to show the petitioner's salary and hence, he has taken the monthly income as more than Rs.30,000/- per month. In the absence of any evidence on the side of the petitioner, considering the fact the petitioner is working as Junior Assistant in the Government Department, his salary was approximately between Rs.30,000/- to Rs.40,000/-, the learned trial Judge has rightly taken the view with the salary of the petitioner as more than Rs.30,000/-. So there is no ground to interfere with the quantum of maintenance. Hence, this Court does not find any reason in the contention of the petitioner and therefore, this Criminal Revision Case is liable to be dismissed and accordingly, dismissed. Consequently, the connected Miscellaneous Petition is closed.

18.07.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
trp



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The Chief Judicial Magistrate, Thanjavur @ Kumbakonam



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K.K. RAMAKRISHNAN. J.,

trp

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