



Crl.R.C.No.1027 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2024

CORAM:
THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.R.C.No.1027 of 2024
and
Crl.M.P.No.8741 of 2024

K.N.Saravanan

...Petitioner

Vs.

Thamaraiselvi

...Respondent

PRAYER: Criminal Revision case filed under Section 397 r/w Section 401 of Code of Criminal Procedure against the judgment passed in M.C.No.71 of 2012 on the file of the Principal Family Court, Coimbatore, dated 19.03.2022.

For Petitioner : Mr.B.Kumarasamy

For Respondent : No Appearance

ORDER

This Criminal Revision petition has been filed against the judgment



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passed in M.C.No.71 of 2012 on the file of the Principal Family Court, Coimbatore, dated 19.03.2022.

2. It is the case of the petitioner that the marriage between the petitioner / husband and the respondent / wife was solemnized on 30.08.2010 as per the Hindu rites and customs. Due to some misunderstanding, the petitioner / husband has filed a divorce petition as against the respondent / wife in H.M.O.P.No.383 of 2015. Thereafter, the respondent has filed a maintenance petition seeking maintenance u/s.125 of Cr.P.C in M.C.No.71 of 2012 in a sum of Rs.7,500/- per month from the petitioner on the file of Principal Family Court, Coimbatore. After adjudication, the trial Court has passed a common order dated 19.03.2022 by dismissing the divorce petition filed by the petitioner and by allowing the maintenance petition filed by the respondent directing the petitioner to pay a sum of Rs.7,500/- per month as maintenance to the respondent. Challenging the same, the petitioner is in this Criminal Revision Petition.

3. Learned counsel for the petitioner submits that though the



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respondent is earning a sum of Rs.40,000/- per month and having a own house, the trial Court erred in awarding maintenance in favour of the respondent which is *per se* unsustainable. Though the respondent is capable to maintain herself, the trial Court without considering the assets and liabilities of the respondent has passed the impugned order directing the petitioner to pay a sum of Rs.7,500/- per month to the respondent as maintenance which is wholly unsustainable.

4. Though notice has been served on the respondent, however, no one appeared on her behalf. Considering the period of pendency of the present case, this Court is inclined to dispose of the same based on the materials available on record.

5. Heard the learned counsel for the petitioner and perused the materials placed on record.

6. There is no dispute about the marriage between the petitioner and the respondent. The petitioner is the husband and the respondent is the



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wife. It is to be pointed out that it is the duty of the husband to maintain his wife. In such a backdrop, it becomes the duty of the husband to maintain his wife.

7. On a perusal of the order passed by the trial Court reveals that upon considering all the oral and documentary evidence, the impugned order has been passed and as the duty casts upon the husband to maintain his wife, the trial Court has granted maintenance in a sum of Rs.7,500/- in favour of the respondent / wife which is just and reasonable and the same does not warrant any interference. However, it is open to the petitioner to work out his remedy in the manner known to law.

8. Accordingly, the Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

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To

Principal Family Court, Coimbatore



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M.DHANDAPANI, J.

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