



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.61 of 2022

and Crl.M.P.No.619 of 2022

M.Dhanamjaya ... Petitioner

Vs

M.Jayashree @ Padma ... Respondent

PRAYER: Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code, against the order dated 24.09.2021 and made in MC.No.137 of 2013 on the file of the learned VII Additional Family Court, Chennai.

For Petitioner : Mr.B.Srinivasan

For Respondent : Mr.K,Ramesh

ORDER

This Criminal Revision case has been filed against the order dated 24.09.2021 and made in MC.No.137 of 2013 on the file of the learned VII Additional Family Court, Chennai.

2. The Revision Petitioner is husband and the respondent is his wife.



The marriage between the petitioner and the respondent was solemnized on 20.02.2005 at Vaidhegi Kalyana Mandapam, Sathyavedu as per Hindu Rites and Customs. In their wedlock, they have no children. Due to difference of opinion, the couples were living separately. Thereafter, the respondent/wife has filed a petition against her husband under Section 125 of Cr.P.C., claiming a sum of Rs.15,000/- as maintenance before the learned VII Additional Principal Judge, Chennai in M.C.No.137 of 2013 and the same was allowed directing the revision petitioner/husband to pay a sum of Rs.10,000/- per month as maintenance. Challenging the order passed by the learned Judge, Family Court, dated 24.09.2021, the petitioner herein has filed the present Revision before this Court.

3. The learned counsel appearing on behalf of the petitioner submitted that due to misunderstanding, the respondent left the matrimonial home on her own. After marriage, the respondent has never taken care of her husband and his family members. The petitioner has approached the respondent for reunion many times and filed divorce petition. But she never come forward to live with her husband. In order to harass the petitioner, the respondent has filed maintenance case and the petitioner is working as a daily coolie



and he is earning very meagre amount. Therefore, the petitioner could not able to maintain his wife and she is not entitled to get maintenance from the petitioner as she only deserted her husband. Hence, the order dated 24.09.2021 passed by the learned Judge, Family Court, is liable to be set aside.

4. The learned counsel for the respondent submitted that the petitioner used to quarrelled with his wife and also demanded dowry. Thereafter, the petitioner driven out the respondent from the matrimonial home. The petitioner is earning sufficient amount and the respondent is unable to maintain herself. Despite having sufficient means, the petitioner is refused to maintain his wife.. The Family Court, after taking into consideration all the submissions made by both the sides, has awarded the maintenance amount, which is a lesser amount only and it does not warrants any modification.

5. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.



6. It is admitted that the respondent is the wife of the petitioner and the marriage between the petitioner and the respondent has also admitted. It is also admitted that they have no children. After the marriage, it is alleged that the revision petitioner started to demand the dowry and also abused her in filthy language and assaulted her. Therefore, she left the matrimonial home and filed divorce petition and the same was granted on the ground of cruelty. Hence, there is no possibility to both of them to live together. However, as on date, the petitioner has not taken any steps to bring back his wife to the matrimonial home. The learned counsel for the petitioner submitted that the petitioner did not demand dowry. It is seen from the impugned order that the respondent is living with sister in Chennai. According to the husband, the wife left the matrimonial home without any valid reason. According to the respondent, due to cruelty caused by the husband, she left from the matrimonial home. Under these circumstances, the respondent is entitled to get maintenance from the petitioner. Hence, the trial Court was directed the petitioner to pay a sum of Rs.10,000/- per month to the respondent, which is not excessive and the same is reasonable considering the cost of living prevailing as on date.



7. With the above discussions, this criminal revision case is dismissed. The petitioner is directed to deposit the entire arrears of maintenance within a period of four weeks from the date of receipt of a copy of this order. Further, the petitioner is directed to pay a sum of Rs.10,000/- as monthly maintenance to the respondent on or before every 7th day of English Calender month, without any default. Consequently, connected miscellaneous petition is also closed.

08.04.2024

Index:Yes/No

Speaking Order/Non speaking order

rli

To

The VII Additional Family Court, Chennai.



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M.DHANDAPANI,J.

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