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Crl.R.C.No.853 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.853 of 2024
And
Crl.M.P.No.7557 of 2024**

Natarajan

... Petitioner

Vs.

Manimegalai

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 read with Section 401 of Criminal Procedure Code, seeking to set aside the order dated 04.09.2023 made in F.C.M.C.No.12 of 2022 on the file of the Family Court at Ariyalur.

For Petitioner : M/s.K.R.Prathap Chander
For Respondent : Mr.M.Sridhar

ORDER

The criminal revision case has been filed seeking to set aside the order dated 04.09.2023 passed in F.C.M.C.No.12 of 2022 by the Family Court at Ariyalur.



CrI.R.C.No.853 of 2024

WEB COPY

2.The facts of the case is that the petitioner is the husband and the respondent is the wife. Their marriage was solemnized on 14.09.1980 and out of the wedlock, they were blessed with five female children. Thereafter there was a matrimonial dispute between them and the respondent filed maintenance case under Section 125 of Cr.P.C. in F.C.M.C.No.12 of 2022 before the Family Court at Ariyalur claiming a sum of Rs.20,000/- per month as maintenance. After adjudication, the Court below directed the petitioner to pay a sum of Rs.15,000/- to the respondent as monthly maintenance from the date of filing of the petition (14.11.2022). Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the respondent is not the legally wedded wife of the petitioner. The petitioner married one Dhanalakshmi in the year 1970 and out of the wedlock, one male child was born. Thereafter, the said Dhanalakshmi deserted the petitioner. Thereafter the petitioner and the respondent came live together in the live – in – relationship, based on which five female children were born. One female child died and the petitioner performed the marriage of four female children. Even thereafter, the



CrI.R.C.No.853 of 2024

WEB COPY

respondent harassed the petitioner and hence, he eloped with the sister of the respondent, namely, Dhamayanthi and she gave birth to two male children. Thereafter, the respondent filed maintenance case and the Court below directed the petitioner to pay a sum of Rs.15,000/- to the respondent as monthly maintenance from the date of filing of the petition, which is not sustainable one.

4.The learned counsel appearing for the respondent submitted that the petitioner suppressing the earlier marriage, married the respondent and further submitted that all the female children were developed by the respondent and their marriage were performed by the respondent and further submitted that now the respondent is at her old age and the petitioner is refusing to take care of her and eloped with the sister of the respondent. The learned counsel further submitted that the petitioner retired from the revenue department and he has more properties and he earn atleast Rs.2 Lakhs per month and further submitted that the petitioner sold a property worth more than Rs.1 Crore, however, did not give any amount to the respondent. The learned counsel further submitted that considering the present cost of living, the amount awarded by the Court below is



Crl.R.C.No.853 of 2024

just and reasonable.

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5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

6.The facts of the case is not disputed. The trial Court after elaborately discussing all the factual aspects and considering the present cost of living, has directed the petitioner to pay a just and reasonable amount to the respondent towards monthly maintenance and the same warrants no interference.

7.The petitioner is directed to deposit the entire arrears amount to the credit of F.C.M.C.No.12 of 2022 on the file of the Family Court, Ariyalur, less the amount if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this order and shall continue to pay a sum of Rs.15,000/- per month to the respondent towards maintenance on or before 7th of every succeeding English Calender Month. This revision is dismissed. Consequently, the connected miscellaneous petition is closed.

20.06.2024

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4/6



CrI.R.C.No.853 of 2024

Index: Yes/ No

Speaking Order: Yes/ No NCC: Yes/ No

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To

1.The Family Court,
Ariyalur.



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Crl.R.C.No.853 of 2024

M.DHANDAPANI,J.
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Crl.R.C.No.853 of 2024
And
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