



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.751 of 2023
and Crl.M.P.No.5792 of 2023

M.Ahiyaman		...	Petitioner
	Vs		
G.Santhimozhi		...	Respondents

PRAYER: Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 23.11.2022 passed in MC.No.37 of 2016 on the file of the Family Court, Dharmapuri and allow this revision.

For Petitioner	: Mr.D.Ramesh Kumar
For Respondent	: No appearance

ORDER

This Criminal Revision case has been filed against the order dated 23.11.2022 passed in MC.No.37 of 2016 on the file of the Family Court, Dharmapuri.

2. The Revision Petitioner is husband and the respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 19.06.2015. 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.25,000/- as maintenance before the learned Family Court in M.C.No.37 of 2016 and the same was allowed in part directing the revision petitioner/husband to pay a sum of Rs.15,000/- per month as maintenance. Challenging the order passed by the learned Judge, Family Court, dated 23.11.2022, 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. The petitioner was underwent liver transplantation operation, for which, he has spent Rs.75 lakhs from getting loan and this apart, he has to taken care of his parents. Further, the respondent has performed second marriage during pendency of this revision. In order to harass the petitioner, the respondent has filed maintenance case. The petitioner could not able to maintain the respondent at this juncture and she is not entitled to get maintenance from the petitioner as she only deserted her husband and subsequently, she got married with another man. Hence, the order passed



by the learned Judge, Family Court, is liable to be set aside.

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4. Heard the learned counsel for the petitioner and perused the materials available on record. Notice has been served on the respondent, however, she is not present either in person or through counsel. Since no adverse order is passed against the respondent, her presence is dispensed with. Considering the period of pendency of the revision petition, the same is disposed of based on the materials available on record.

5. 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. According to the husband, the wife left the matrimonial home without any valid reason and she has not taken care of him and subsequently, she performed another marriage. Hence, she is not entitled.

6. The learned counsel for the petitioner submitted that the respondent performed second marriage and she is not entitled to get maintenance from the respondent, but the petitioner has not produced any materials with regard to the second marriage. In the absence of any



materials, this Court cannot interfere with the order of impugned order.

Further, the petitioner is working as a Bank Manager and earning more than Rs.1,00,000/- per month. As a dutiful husband, the petitioner has to maintain his wife. If the petitioner has any evidence in respect of the second marriage of the respondent, he is at liberty to file modification petition before the trial Court.

7. Considering the cost of living prevailing as on date, the maintenance amount awarded by the Family Court is just and reasonable and this Court is not inclined to interfere with the same. This Court directs the petitioner to pay the maintenance to the respondent as ordered by the Family Court, regularly on or before 7th of every English calendar month and to pay the entire arrears of maintenance to the respondent within a period of four weeks from the date of receipt of a copy of this order.

8. In the result, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

12.07.2024



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Index: Yes/No

Speaking Order/Non speaking order

To

The Judge, Family Court, Dharmapuri



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M.DHANDAPANI,J.

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