



Crl.R.C.No.314 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 02.04.2024

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

Crl.R.C.No.314 of 2022
and
Crl.M.P.No.3309 of 2022

Alexander

...Petitioner

Vs.

Asiya Begam

...Respondent

PRAYER: Criminal Revision case filed under Section 397 r/w Section 401 of Code of Criminal Procedure to set aside the order of the Family Court at Perambalur in M.C.No.48 of 2020 dated 22.10.2021.

For Petitioner : Mr.N.Ravishankar Vallatharasu

For Respondent : Mr.A.Prabhu Saravana

ORDER

This Criminal Revision petition has been filed seeking to set aside the order of the Family Court at Perambalur in M.C.No.48 of 2020 dated 22.10.2021.



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2. It is the case of the petitioner that the marriage between the petitioner / husband and the respondent / wife was solemnized on 06.07.2015 as per the Special Marriage Act. Due to some misunderstanding, the respondent / wife has filed a divorce petition as against the petitioner / husband in O.P.No.20 of 2019. Thereafter, the respondent has also filed a maintenance petition seeking maintenance u/s.125 of Cr.P.C in M.C.No.37 of 2019 in a sum of Rs.30,000/- from the petitioner on the file of learned Chief Judicial Magistrate, Perambalur and the same was transferred to the Family Court, Perambalur in M.C.No.48 of 2020. After adjudication, the trial Court has passed the order dated 22.10.2021, directing the petitioner to pay a sum of Rs.10,000/- 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 respondent claims that he is earning a sum of Rs.10,00,000/- before the trial Court, in order to substantiate the same, no proof was adduced by the respondent before the trial Court with regard to the income of the petitioner.



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Though the petitioner is not capable to maintain himself, the trial Court without considering the said facts, has passed the impugned order directing the petitioner to pay a sum of Rs.10,000/- to the respondent as maintenance which is wholly unsustainable.

4. Learned counsel for the respondent submits that admittedly the petitioner is well efficient to maintain the respondent and as it is the duty of the husband to maintain his wife, the trial Court upon considering all the oral and documentary evidence, has passed the impugned order which cannot be interfered with.

5. Heard the learned counsel appearing on either side 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 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



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wife.

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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.10,000/- in favour of the respondent / wife which is just and reasonable and the same does not warrant any interference.

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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The Family Court at Perambalur



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M.DHANDAPANI, J.

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