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Crl.R.C.No.1062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 25.06.2024**

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

**Crl.R.C.No.1062 of 2024**

**and**

**Crl.M.P.No.9025 of 2024**

Pandi Madhavan

... Petitioner

Vs.

Deepa Devi

... Respondent

**Prayer** : Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to allow this petition and set-aside the order dated 14.12.2023 passed in Crl.M.P.No.1863 of 2023 in M.C.No.30 of 2023 on the file of Judicial Magistrate, Dharapuram.

For Petitioner : Mr.V.Manoharan

For Respondent : Notice dispensed with

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**ORDER**

This Criminal Revision Case is filed against the order passed in Crl.M.P.No.1863 of 2023 in M.C.No.30 of 2023 dated 14.12.2023 on the file of the learned Judicial Magistrate, Dharapuram.



Crl.R.C.No.1062 of 2024

WEB COPY

2. Since no adverse order has been passed against the respondent, notice to the respondent is dispensed with.

3. The petitioner is the husband and the respondent is the wife and their marriage was solemnized on 31.08.2014. Due to misunderstanding, they are living separately. Thereafter, the respondent/wife filed a maintenance case u/s 125 of Cr.P.C. in M.C.No.30 of 2023 before the learned Judicial Magistrate, Dharapuram, seeking monthly maintenance of Rs.30,000/- and the same is still pending. In the meantime, the respondent/wife has filed a petition in Crl.M.P.No.1863 of 2023 in M.C.No.30 of 2023 claiming a sum of Rs.15,000/- p.m. as interim maintenance and the trial court has ordered a sum of Rs.12,000/- p.m. as interim maintenance in favour of the respondent/wife vide order dated 14.12.2023. Challenging the same, the petitioner/husband has filed the present revision before this court.

4. The learned counsel appearing for the petitioner submitted that the petitioner/husband was employed as a Health Inspector in a Primary



CrI.R.C.No.1062 of 2024

WEB COPY

Health Centre. He further submitted that, though the respondent/wife was employed as a Teacher in a private school, however, without considering the same, the trial court has ordered interim maintenance at Rs.12,000/- p.m. in favour of the respondent/wife, which is wholly unsustainable. Accordingly, he prays for appropriate orders.

5. Heard the learned counsel appearing for the petitioner/husband and perused the materials available on record.

6. The grounds on which maintenance can be rejected to the wife can be only on the ground that wife is able to maintain herself and she has the requisite means to maintain herself and that she is living in adultery and where the person, who offers to maintain his wife on condition of her living with him and she refuses to live with him, only on such of those grounds, maintenance could be negated against the wife.

7. In the case on hand, though the petitioner/husband has claimed that the respondent was earning a sum of Rs.50,000/- by working as a teacher, however, in order to prove the same, the petitioner/husband has



CrI.R.C.No.1062 of 2024

WEB COPY

not produced any evidence before the trial court. Further, it is claimed by the petitioner/husband that he is earning a sum of Rs.50,000/- p.m. by working as a Health Inspector in a Primary Health Centre, from which, he has to take care of his aged parents and he was paying a sum of Rs.12,500/- towards housing loan, Rs.12,500/- towards personal loan and Rs.24,000/- towards Society loan. However, the petitioner/husband has not placed any materials before the trial court to prove his claim. In such a back drop, this court is of the view that, it is not the case of the petitioner/husband that his wife has sufficient means to maintain herself by her earnings with relevant proof or that she is living in adultery or that he is ready to maintain her if she comes and lives with him, but that, his wife is refusing to unite with him. There is no specific plea on the aforesaid three fronts and, therefore, necessarily the wife is entitled to maintenance u/s. 125 Cr.P.C and appreciating the above in proper perspective, the court below has granted interim maintenance in favour of the respondent/wife, which is just and reasonable. Therefore, this Court is not inclined to interfere with the same.



Crl.R.C.No.1062 of 2024

WEB COPY

8. However, the petitioner/husband is directed to deposit the entire arrears of interim maintenance to the credit of M.C.No.30 of 2023 on the file of learned Judicial Magistrate, Dharapuram as per the order dated 14.12.2023 passed in Crl.M.P.No.1863 of 2023 in M.C.No.30 of 2023, within a period of four (4) weeks from the date of receipt of a copy of this order and file a proof with regard to deposit of entire arrears of interim maintenance before the trial court. Upon production of necessary proof for deposit of entire arrears of interim maintenance by the petitioner/husband, the trial court is directed to dispose of the maintenance case in M.C.No.30 of 2023 on merits and in accordance with law, within a period of three (3) months thereafter. Further, the petitioner/husband is also directed to continue to pay the interim maintenance of Rs.12,000/- p.m. to the respondent/wife on or before the 7<sup>th</sup> day of every English Calendar month, till the disposal of M.C.No.30 of 2023.



WEB COPY



Crl.R.C.No.1062 of 2024

**M.DHANDAPANI, J.**

sp

9. With the above directions, this Criminal Revision Case is disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

**25.06.2024**

Index : Yes / No  
Speaking order / Non-speaking order  
NCC : Yes / No  
sp

To

The Judicial Magistrate, Dharapuram.

**Crl.R.C.No.1062 of 2024**