

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 22.07.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.749 of 2024

Munirajulu

... Petitioner

-Vs-

Mangai

... Respondent

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records of the impugned order dated 09.02.2024 in MC.No.25 of 2022 on the file of the Family Court, Krishnagiri District.

For petitioner : Mr.R.Poornima

For Respondent : Mr.P.M.Jayachandran

ORDER

The Criminal Revision is filed against the impugned order dated 09.02.2024 in MC.No.25 of 2022 on the file of the Family Court, Krishnagiri District.

2. The respondent is the wife of the petitioner and their marriage was solemnised on 23.06.1996. Out of the wedlock, they blessed with two children.



Due to misunderstanding between the couple, they were living separately.

Thereafter, the petitioner has filed petition for restitution of conjugal rights and the same was allowed. The respondent has not come forward for reunion. Thereafter, the respondent filed a divorce petition which was dismissed for default. Since the respondent was not ready for reunion, the petitioner subsequently filed a petition seeking for divorce on the ground of separation and the same was allowed. Thereafter, the respondent filed maintenance case claiming a sum of Rs.20,000/- per month. The learned Judge, after hearing both sides, allowed the maintenance case in part by directing the husband to pay a sum of Rs.5000/- to the respondent. Challenging the said order passed by the learned Family Court, the petitioner has filed the present Criminal Revision before this Court.

3. The learned counsel for the revision petitioner/husband would submit that the petitioner is working as a Government School Teacher and earning Rs.1 lakh. However, he is going to retire at December-2024 and he is not entitled for pension as he is joined in the year 1993. The respondent is not entitled to get maintenance from the petitioner as she is living in adultery. However, the respondent is working as a Teacher and she is entitled for pension



as she has joined service in the year 1991. In order to harass the petitioner, the respondent filed a maintenance case, which is liable to be set aside. This Court may set aside the order granting maintenance to the respondent.

4. The learned counsel for the respondent submitted that there was a matrimonial dispute between the petitioner and the respondent from the year 2007 onwards. Subsequently, there was a compromise between them. The petitioner has not taken care of the respondent and children. Therefore, she left the matrimonial home and started living separately along with her children. The respondent has spent a huge amount for the development of the children and the petitioner has not even paid a single pie so far. Hence, the maintenance awarded to the respondent is very meager, which does not warrant any interference. However, this Court may dismiss the revision.

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

6. A careful perusal of the order passed by the court below reveals that the court below has taken into consideration the documentary evidence as



also the deposition of the witnesses examined by the petitioner and respondent and had come to the conclusion that only to deny the benefit of maintenance to the respondent, certain acts have been perpetrated by the revision petitioner. When the basis of such a finding is the deposition of the respondents, which has been rightly appreciated by the court below while awarding maintenance, the same does not warrant any interference.

7. Further, it has to be pointed out that it is the duty of the husband to maintain his wife and children. The petitioner has not produced any records that he spent money for the development of his children. The Family Court has rightly appreciating the above, maintenance has been awarded by considering the means of the revision petitioner. The maintenance awarded is just and reasonable and the same does not require any interference.

8. In view of the above discussion, 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 also 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.



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9. With the above directions, the Criminal Revision case is dismissed.

Consequently, connected miscellaneous petition is closed.

22.07.2024

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

The Principal Family Judge, Krishnagiri.



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M.DHANDAPANI,J.

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