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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM :

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

Crl.R.C.No.955 of 2023
and
Crl.M.P.No.7758 of 2023

S.Durairaj ... Petitioner

Vs.

P.Pavithra ... Respondent

Prayer : Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, praying to set aside the order dated 21.03.2023 passed in M.P.No.905 of 2022 in M.C.No.224 of 2022 on the file of III Additional Family Court in the interest of justice.

For Petitioner : Ms.P.Kavitha
For Respondents : Ms.K.Sridevi

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ORDER

This Criminal Revision Case is filed against the order of the III Additional Family Court at Chennai dated 21.03.2023 in M.P.No.905 of 2022 in M.C.No.224 of 2022.

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2. The case of the petitioner is that, the marriage of the petitioner/husband and the respondent/wife was solemnized on 11.09.2019 at 'Arulmigu Sri Balasubramanya Swamy Sannathy, Andar Kuppam, Ponneri, Chennai – 600 067 as per Hindu Rites and Customs in the presence of relatives, families and well-wishers. Subsequently, the petitioner came to know that the respondent was not in normal behaviour, therefore, the petitioner filed a petition for divorce on the ground of medical imbalance of the respondent in H.M.O.P.No.126 of 2020 on the file Subordinate Court, Ponneri and the same is pending. In the meanwhile, the respondent had filed a maintenance case under Section 125 of Cr.P.C. in M.C.No.224 of 2022 on the file of III Additional Family Judge, Chennai, claiming monthly maintenance of Rs.20,000/-, in which the respondent filed a petition in M.P.No.905 of 2022 claiming interim monthly maintenance of Rs.10,000/- till the disposal of M.C. After adjudication, the Trial Court awarded a sum of Rs.8,000/- as interim monthly maintenance to the respondent. Aggrieved by the same, the present revision is filed by the petitioner/husband.

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3. The learned counsel appearing for the petitioner submitted that, the petitioner was running a e-sevai maiyam, which was affiliated to the Central Government and earning a meagre amount, from which directing the petitioner to pay a huge sum of Rs.8,000/- as monthly maintenance to the respondent is wholly unsustainable. Accordingly, he prays for allowing the revision.

4. Per contra, the learned counsel appearing for the respondent submitted that, the petitioner was earning more than Rs.4 lakhs per annum and to the extent, he has filed the income tax return for the Assessment Year 2018 – 2019 till 2022 – 2023, from which, it is seen that the petitioner was earning more than Rs.4 lakhs per annum from the year 2018. By considering the same, the Trial Court has awarded just and reasonable maintenance in favour of the respondent, which cannot be interfered with. Accordingly, he prays for dismissal of this revision.

5. Heard the learned counsel appearing for the parties and perused the materials available on record.

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6. There is no dispute about the marriage between the petitioner and the respondent. It is to be pointed out that it is the duty of the husband to maintain his wife and the comforts, which were available to the spouse should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife.

7. In the case on hand, though the petitioner claims he was earning a very less income, which is disputed by the respondent, by placing relevant materials, which have not been shaken in any manner by the petitioner. In such circumstances, this Court is of the view that, by considering all the oral and documentary evidence, the Trial Court has awarded just and reasonable maintenance, which cannot be interfered with.

8. Accordingly, the Criminal Revision Case is dismissed and the order passed by the III Additional Family Court, Chennai in M.P.No.905 of 2022 in M.C.No.224 of 2022, dated 21.03.2023 is confirmed.

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Consequently, the connected criminal miscellaneous petition is also dismissed.

02.04.2024

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

To

The III Additional Family Court, Chennai.

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M.DHANDAPANI, J.

sp

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