



CrI.R.C.No.1089 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2024

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

CrI.R.C.No.1089 of 2024

and

CrI.M.P.No.9224 of 2024

Pavadaisamy

...Petitioner

Vs.

Bhuvneshwari

...Respondent

PRAYER: Criminal Revision case filed under Section 397 r/w Section 401 of Code of Criminal Procedure to set aside the order dated 11.01.2024 made in M.C.No.20 of 2021, on the file of the Family Court at Cuddalore.

For Petitioner : Mr.M.Murali

For Respondent : Mr.V.Vasanth Kumar

ORDER

This Criminal Revision petition has been filed seeking to set aside the order dated 11.01.2024 made in M.C.No.20 of 2021, on the file of the Family Court at Cuddalore.



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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 29.01.1993 as per the Hindu rites and customs. Due to some misunderstanding, the petitioner has filed a petition seeking restitution of conjugal rights in H.M.O.P.No.73 of 2019, in which the respondent has filed an application seeking interim maintenance and the trial Court vide order dated 05.02.2021 has directed the revision petitioner to pay a sum of Rs.5,000/- per month and a sum of Rs.20,000/- towards litigation expenses. Thereafter, the petitioner filed a petition seeking divorce in H.M.O.P.No.175 of 2021 on the file of Family Court, Cuddalore. Thereafter, the respondent filed a maintenance case in M.C.No.20 of 2021 before the Family Court, Cuddalore. After adjudication, the trial Court vide order dated 11.01.2024 directed the petitioner to pay a sum of Rs.20,000/- per month towards maintenance and a sum of Rs.30,000/- towards litigation expenses and a sum of Rs.50,000/- per year towards other expenses. Challenging the same, the petitioner is in this revision petition.

3. Learned counsel for the petitioner submits that the petitioner was



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working as a Head Constable and pursuant to the disposal of the maintenance case, the petitioner got retired from his service and receiving only a sum of Rs.25,000/- per month as pension. He further submits that without considering the said facts the trial Court directed the petitioner to pay a sum of Rs.20,000/- per month towards maintenance and a sum of Rs.30,000/- towards litigation expenses and a sum of Rs.50,000/- per year towards other expenses which is *per se* unsustainable. Hence, he prayed to allow this Criminal Revision petition.

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.



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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 wife.

7. 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.

8. 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.20,000/- per month and a sum of Rs.30,000/- towards litigation expenses and a sum of Rs.50,000/- per



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year towards other expenses in favour of the respondent / wife which is just and reasonable and the same does not warrant any interference. It is open to the petitioner to file a modification petition before the trial Court, if he is aggrieved by the order dated 11.01.2024.

9. Accordingly, the Criminal Revision Petition is dismissed confirming the order dated 11.01.2024 passed by the trial Court. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To
Family Court at Cuddalore



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