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Crl.R.C.No.927 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.927 of 2024

Madhankumar

... Petitioner

Vs.

Kiruthiga

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, seeking to call for the records pertaining to the order dated 22.02.2024 and made in M.C.No.22 of 2023 on the file of Family Court, Dharmapuri and set aside the same.

For Petitioner : Mr.P.M.Jayachandran

ORDER

The criminal revision case has been filed seeking to set aside the order dated 22.02.2024 passed by the Family Court, Dharmapuri in M.C.No.22 of 2023.

2.The case of the petitioner is that the petitioner is the husband and the respondent is the wife. Their marriage was solemnized on 29.04.2021. Thereafter there was a matrimonial dispute between



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them and the respondent filed maintenance case under Section 125 of Cr.P.C. in M.C.No.22 of 2023 before the Family Court, Dharmapuri seeking monthly maintenance of Rs.15,000/- and Rs.40,000/- p.a. for clothing, shelter and medical expenses. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.5,000/- per month towards maintenance to the respondent from the date of the petition i.e., 09.06.2023 and to pay a sum of Rs.25,000/- p.a. to the respondent for clothing, shelter, medical and other expenses. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the petitioner was in Government Job and due to the torture given by the respondent, he quit the job and hence, the Court below directing the petitioner to pay a sum of Rs.5,000/- per month towards maintenance and to pay a sum of Rs.25,000/- p.a. to the respondent for clothing, shelter, medical and other expenses, is not sustainable one.

4.Heard the learned counsel appearing for the petitioner. Since this Court is not inclined to pass any adverse order as against the respondent, notice to the respondent is dispensed with.



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5.The grounds on which maintenance can be rejected to the wife can be on the ground that wife is able to maintain herself and she has the requisite means to maintain herself; 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.

6.In the case on hand, it is not the case of the petitioner that his wife has sufficient means to maintain herself by her earnings or that she is living in adultery or that he is ready to maintain her if she comes and lives with him, but 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 and appreciating the above in proper perspective, the Court below has granted maintenance.

7.The relationship between the parties is not disputed. Taking into consideration the present cost of living, the amount awarded by the Court below, in the considered opinion of this Court is just and reasonable and the impugned order warrants no interference.



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M.DHANDAPANI,J.

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8.Accordingly, the petitioner is directed to deposit the entire arrears amount, to the credit of M.C.No.22 of 2023 before the Family Court, Dharmapuri, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay the maintenance amount to the respondent on or before 7th of every succeeding English Calender Month.

9.The criminal revision case is dismissed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Family Court,
Dharmapuri.

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