



Crl.R.C.No.506 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 06.10.2023

Delivered on 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA

KURUP

Crl.R.C.No.506 of 2021

P.Jayanthi
W/o Paranthaman
Sundaram Nagar,
Papankulam,
Villupuram Town

...Petitioner/Petitioner/Wife

-Vs-

1.V.Paranthaman

...Respondent/Respondent/Husband

2.Internal Audit Officer,
(Tamil Nadu Electricity Board),
Board Internal Audit Division,
144, Anna Salai, Chennai -2.

...Respondent/Respondent/Employer

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C, to set aside the order in M.C.No.42 of 2019 dated 18.02.2019 on the file of the Family Court, Villupuram, and allow the Revision Petition.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.Kumaralingam



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ORDER

This Criminal Revision Case is filed to set aside the order in M.C.No.42 of 2019 dated 18.02.2019 on the file of the Family Court, Villupuram, and allow the Revision Petition.

2. Learned Counsel for the Revision Petitioner submitted that the Petitioner is the wife. She had approached the learned Judge, Family Court, Villupuram, by filing Maintenance Case.

3. In the Maintenance Case, the learned Judge, Family Court, Villupuram, had ordered Rs.3,000/- per month.

4. The 1st Respondent/husband is superannuated and receiving pension of Rs.30,379/- per month, which was considered in the evidence.

5. It is the contention of the learned Counsel for the Respondents that the Petitioner is the second wife. It is the second marriage for both Petitioner as well as for the 1st Respondent. After the death of the first wife, the 1st Respondent had married the Petitioner as a second wife. He has a



daughter and a son through his first wife.

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6. Learned Counsel for the Respondents submit that they attempted for mediation. The 1st Respondent/husband is ready for reunion with the Revision Petitioner, but she did not rejoin him. After the mediation failed, based on evidence, the learned Judge had ordered maintenance of Rs.3,000/- per month considering the fact that the 1st Respondent has to meet the expenses of 7 dependents, particularly his son who has become mentally affected after the death of his minor child in an accident. He has to support his daughter-in-law and grandchildren. Similarly, the daughter of the 1st Respondent is a widow. Therefore, the widowed daughter and her children are also to be taken care of by the 1st Respondent. The learned Judge had considered those facts which had been admitted by the Revision Petitioner/wife during the enquiry. Therefore, only on appreciation of evidence, the learned Judge had granted Rs.3,000/- per month considering the fact that the 1st Respondent/husband has to meet the medical expenses. He is ready to take back the wife, but she is not willing to come and join.

7. Learned Counsel for the Revision Petitioner submits that there was no problem till the father-in-law of the Revision Petitioner was alive. He died at the age of 111. The Revision Petitioner was taking care of him



till his death. After the death of the father-in-law of the Revision Petitioner, the 1st Respondent's brothers had started to give problems to the Revision Petitioner. Due to the evil advice of the brothers, the 1st Respondent had refused to maintain the Revision Petitioner. Therefore, she was forced to file the Criminal Revision Case. The amount of Rs.3,000/- is a meagre amount considering the monthly salary of the 1st Respondent. Therefore, the Petitioner/wife has come up with this Criminal Revision Case seeking enhancement and she has not demanded 50% of the amount but reasonable order to be passed.

8. Learned Counsel for the Revision Petitioner relied on the reported ruling of the Hon'ble Supreme Court in the case of ***Rajnesh Vs. Neha & Ors. in Crl.A.No.730 of 2020*** reported in ***MANU SC/0833/2020***.

9. The learned Counsel for the Revision Petitioner by way of rejoinder, submits that the Revision Petitioner/wife is not demanding 50% of the 1st Respondent's income, but she seeks a reasonable amount to sustain herself compared to Rs.30,000/- earned by the 1st Respondent/husband, as monthly pension Rs.3,000/- is a meagre amount.



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10. The contention that the son of the 1st Respondent namely Balakrishnan, is mentally depressed due to the death of his daughter (granddaughter of the 1st Respondent) in a traffic accident that cannot be treated as permanently disabled or to be considered as dependent of the 1st Respondent for their livelihood.

11. There is an acceptable reason for the Revision Petitioner having filed this Revision Case, as the amount awarded by the learned Judge, Family Court, Villupuram, is a meagre amount. The contention of the 1st Respondent that he has to support 7 dependents is found unreasonable. He is duty-bound to maintain the wife. The reasons stated by the Revision Petitioner that, after the death of the father-in-law, only the brothers of the 1st Respondent instigated the 1st Respondent, thereby the Petitioner was forced to file the maintenance case is found justified. Considering the request of the Revision Petitioner and the difficulties expressed by the 1st Respondent the amount of Rs.10,000/- per month will be a reasonable amount.



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WEB COPY 12. The submission of the learned Counsel for the Respondents that he has 7 dependents cannot at all be accepted considering the age of the 1st Respondent, 74 years old. The grown-up children, whether widowed daughter or son has to take care of themselves by seeking employment or self-employment. They cannot be dependent on their father, who is 74 years old senior citizen. That is not the case with the wife. She is entitled to claim 50% of the pension if the senior citizen is a pensioner. Here, what had been granted by the learned Judge is found to be meagre amount considering Rs.30,000/- as the pension. Therefore, reasonable amount of Rs.10,000/- per month is awarded in the light of the ruling in the case of *Rajnesh Vs. Neha & Ors. in Crl.A.No.730 of 2020* reported in *MANU SC/0833/2020*.

Accordingly, this Criminal Revision Case stands disposed of.

28.02.2024

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Index : Yes/No

Speaking/Non-speaking order



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To

- 1.The Judge, Family Court, Villupuram.
- 2.The Section Officer, VR Records,
High Court, Chennai.



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SATHI KUMAR SUKUMARA KURUP, J.,

cda

Order made in
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28.02.2024