



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

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

Crl.RC.No.1239 of 2024
and Crl.MP.No.10747 of 2024

R.Vinodh Kumar

... Petitioner

-Vs-

1. G.Ilakkiya

2. Neha Minor

Rep. By the first respondent

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order dated 12.04.2024 passed in MC.No.33 of 2018 on the file of the Judicial Magistrate Court at Sirkali and allow the Revision Petition.

For petitioner : Mr.J.Praveen Kumar

ORDER

The Criminal Revision is filed to quash the order dated 12.04.2024 passed in MC.No.33 of 2018 on the file of the Judicial Magistrate Court at Sirkali.

2. The revision petitioner is the husband and the first respondent is his



wife and the second respondent is the daughter of the petitioner and the first respondent. The marriage between the petitioner and the first respondent had taken place on 01.11.2012 at Sirkali. Due to difference of opinion and matrimonial dispute, the first respondent left the matrimonial home along with her child. Since the petitioner has neglected to taken care of the respondent, first respondent filed a maintenance case claiming a sum of Rs.15,000/- per month to first respondent and Rs.35,000/- to the second respondent towards maintenance. The learned Judge, Family Court, after hearing both sides, allowed the petition in part by directing the petitioner to pay a sum of Rs.3,000/- per month, to the first respondent and to pay a sum of Rs.15,000/- per month to the second respondent as maintenance. Challenging the said order passed by the learned Family Court Judge, the petitioner has filed the present Criminal Revision before this Court.

3. The learned counsel for the petitioner submitted that the petitioner is working as Professor in the private college and is earning very meagre amount. The first respondent has deserted the petitioner and she left the matrimonial home on her own volition. Hence, the respondents are not entitled to get maintenance from the petitioner. Without considering the desertion, the



Family Court erred in ordering exorbitant maintenance to the respondents, which is unfair. Therefore, the learned counsel prays to allow the present petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Since no adverse order is passed against the respondents, notice to them is dispensed with.

5. The marriage between the petitioner and the first respondent is not in dispute and the relationship between them is also not in dispute. The paternity of the child is also not in dispute. On going through the impugned order, it is seen that the petitioner is working as a Professor in a Engineering college and he may receive minimum salary of Rs.50,000/- per month. It is settled law that if the wife is unable to maintain herself, the husband despite having sufficient means and neglect to maintain her, the wife is entitled to get a maintenance from her husband. As a dutiful husband and father, the petitioner has to maintain his wife and child and the petitioner is liable to pay the maintenance to the respondents.



6. Considering the cost of living prevailing as on date, the maintenance amount awarded by the Family Court is just and reasonable and no interference is required. However, this Court directs the petitioner to pay the maintenance to the respondents as ordered by the Family Court, regularly on or before 7th of every English calendar month and to pay the entire arrears of maintenance to the respondents within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Revision Case is dismissed.

Consequently, connected M.P. Is also closed.

31.07.2024

rli

Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

The Judicial Magistrate Court at Sirkali



WEB COPY

5



M.DHANDAPANI,J.

Rli

Crl.RC.No.1239 of 2024

31.07.2024