



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C. No. 666 of 2021

P.S.Sriramalu

...Petitioner

Vs.

R.Vasanthi

... Respondent

Criminal Revision filed under Section 397 read with Section 401 of Code of Criminal Procedure to call for the records of the order dated 26.04.2019 passed in FCMC. No.25/2017 on the file of the Family Court, Vellore and set aside the same.

For Petitioner : Mr.J.Saravanel

For Respondent : No appearance

ORDER

This Criminal Revision case has been filed to call for the records of the order dated 26.04.2019 passed in FCMC. No.25/2017 on the file of the Family Court, Vellore and set aside the same.

2. The case of the petitioner is as follows:

The first Petitioner and the respondent are wife and husband and the



marriage of the petitioner and the respondent was solemnized on 16.02.1990

as per Hindu rites and customs at Ambur and they have no issues. Due to the family dispute and misunderstanding, the respondent left the matrimonial home. Hence, the petitioner filed a divorce petition and the respondent filed a petition for restitution of conjugal rights. During pendency of the petitions, the respondent wife filed IA.No.541 of 2014 claiming a sum of Rs.15,000/- per month for maintenance. After hearing the arguments and on a perusal of the materials, the said maintenance petition was allowed in part by directing the petitioner to pay a sum of Rs.4,000/- to the respondent as interim maintenance. Further the respondent has filed a petition for maintenance under Section 125 Cr.P.C. Before the Family Court and the learned Judge, without considering the entire fact, allowed the petition in part by directing the petitioner to pay a sum of Rs.6000/- per month as maintenance to the respondent. As against the said order of learned Judge, Family Court, dated 26.04.2019, the petitioner has filed the present Revision Case before this Court.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is a farmer aged about 62 years and he is not having the



capacity to pay the amount as fixed by the Family Court. The lower Court has failed to exercise its jurisdiction under Section 125(4) Cr.P.C. And awarded Rs.6000/- as maintenance which is highly exorbitant.

4. Heard the learned counsel for the petitioners and perused the materials available on record. Though notice has been served on the respondent, none appeared on behalf of the respondent, name of the respondent has been printed in the causelist.

5. It is seen from the impugned order that the petitioner and respondent had married in the year 1990 and she is the legally wedded wife of the petitioner and they have no issues. Due to misunderstanding, the respondent has left the matrimonial home. Under such circumstances, the petitioner filed a divorce petition and the respondent filed a petition for restitution of conjugal rights. During the pendency of the petitions, the respondent filed a petition claiming interim maintenance. The learned Judge has awarded Rs.4000/- as interim maintenance. Again, the respondent filed a maintenance case under Section 125 Cr.P.C. Claiming compensation. The learned Judge, Family court has awarded a sum of Rs.6000/- to the



respondent as maintenance.

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6. On perusal of the petition, it is seen that the petitioner is a farmer and he is now aged about 63 years old. The learned counsel for the petitioner submitted that he is having coconut trees only and he has no sufficient means to maintain himself and his wife as well.

7. Considering the facts and circumstances of the case and considering the age of the petitioner, this Court is inclined to modify the impugned award as follows:

1. The petitioner is directed to deposit a sum of Rs.2000/- per month to the respondent from 26.12.2019 to October-2023 as maintenance.

2. The petitioner is directed to pay a sum of Rs.6,500/- per month to the respondent towards maintenance from November 2023 to till date and he is continue to pay a sum of Rs.6000/- per month to the respondent as maintenance on or before fifth day of every English Calender month without any default. And



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3. *The petitioner is further directed to deposit the entire arrears of maintenance as fixed by this Court, less the amount, if any, already deposited within a period of four weeks from the date of receipt of a copy of this order.*

8. With the above modification, this criminal revision case is disposed of.

10.04.2024

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Index : Yes/No

Speaking Order/Non speaking order

To

The Family Court, Vellore.



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M.DHANDAPANI,J.

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