



WEB COPY



CrI.R.C.No.1152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.1152 of 2024

And

CrI.M.P.No.9632 of 2024

R.Pandi @ Muthupandi

... Petitioner

Vs.

1.M.Saranya

2.Minor Harshitha

Represented by Guardian and Mother

M.Saranya

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, seeking to call for the records and set aside the impugned order dated 31.10.2022 passed in M.C.No.6 of 2020 on the file of the Family Court, Tiruppur.

For Petitioner : Mr.Ravi Anandapadmanabhan
Senior Counsel

for M/s.B.Thirumalai

For Respondents : M/s.T.Balaji

O R D E R

The criminal revision case has been filed seeking to set aside the order dated 31.10.2022 made in M.C.No.6 of 2020 by the Family



CrI.R.C.No.1152 of 2024

Court, Tiruppur.

WEB COPY

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 30.01.2012 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.6 of 2020 before the Family Court, Tiruppur seeking monthly maintenance of Rs.30,000/- and a sum of Rs.2 Lakhs for the second respondent's educational expenses. The Court below allowed the said case and directed the petitioner to pay a sum of Rs.10,000/- to the respondents towards monthly maintenance and a sum of Rs.1 Lakh for the second respondent's educational expenses. Challenging the same, the present revision has been filed.

3.The learned Senior Counsel for the petitioner submitted that the petitioner filed petition seeking divorce in H.M.O.P.No.226 of 2021 before the Family Court, Tiruppur and the said petition was dismissed and aggrieved by the same the petitioner filed appeal in C.M.A.No.706 of 2023 before this Court and the same is pending. The learned Senior Counsel further submitted that earlier the



CrI.R.C.No.1152 of 2024

petitioner was employed in Singapore, however, he was subsequently terminated from service during the year 2020 and hence, directing the petitioner to pay a sum of Rs.10,000/- to the respondents towards monthly maintenance and a sum of Rs.1 Lakh for the second respondent's educational expenses is not sustainable one.

4.The learned counsel appearing for the respondents submitted that the Court below considering the factual aspects and the present cost of living, directed the petitioner to pay a sum of Rs.10,000/- to the respondents towards monthly maintenance and a sum of Rs.1 Lakh for the second respondent's educational expenses, which is just and reasonable and warrants no interference.

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



CrI.R.C.No.1152 of 2024

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.Though the petitioner was employed in Singapore and was subsequently terminated from service during the year 2020, considering the present cost of living and the future of the minor second respondent, the amount awarded by the Court below towards monthly maintenance and second respondent's educational expenses, is just and reasonable and warrants no interference.

8.Accordingly, this Court directs the petitioner to deposit the entire arrears amount, to the credit of M.C.No.6 of 2020 on the file of the Family Court, Tiruppur, 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 a sum of Rs.10,000/- per month to the respondents towards maintenance on or before 7th



CrI.R.C.No.1152 of 2024

of every succeeding English Calender Month and shall also pay the amount awarded towards second respondent's educational expenses.

9.This criminal revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

02.07.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Family Court,
Tiruppur.



WEB COPY



Crl.R.C.No.1152 of 2024

M.DHANDAPANI,J.
pri

Crl.R.C.No.1152 of 2024
And
Crl.M.P.No.9632 of 2024

02.07.2024