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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

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THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.809 of 2024
in Crl. MP.No.7376 of 2024

Jagadeesan

.... Petitioner

VS

Bakiyalakshmi

.... Respondent

The Criminal Revision is filed under Section 397 read with 401 of Code of Criminal Procedure, to call for the records pertaining to the order dated 07.12.2021 passed by the Family Court, Tiruvallur in MC.No.6 of 2019 and to set aside the same.

For Petitioner : Mr.P.Balamurugan

For Respondent : Mr.Sundari Chandrasekar

ORDER

The petitioner and the respondent are husband and wife. Their marriage was solemnized on 31.10.2011 at Kasturi Poongavanam Mudaliar Thirumana Mandapam, Sunguvarchatram as per Hindu Rites and Customs. Due to misunderstanding between the couples, they are living separately. Thereafter, the petitioner herein has filed divorce petition and the same was granted on perusal of the medical certificate



filed a case under 125 Cr.P.C. against the petitioner before the Family Court, Chennai for maintenance, which was taken on file in M.C.No.6 of 2019. After adjudication, the Family Court passed an award directing the petitioner to pay a sum of Rs.6500/- per month to the respondent/wife towards maintenance. Challenging the said award, the petitioner has filed the present revision before this Court.

2. The learned counsel for the petitioner submitted that the order of maintenance in favour of the respondent is highly excessive. The petitioner is an agriculturist and earning very meager sum. The petitioner has returned back all the jewels and sreethana articles to the respondent. The respondent is not interested in conjugal life and she is not a fit person to giving birth to a child since she is an unsound mind person and the said fact has been proved. The parents of the respondent cheated the petitioner by marrying her to him. Hence, the petitioner is not liable to pay maintenance to the respondent.

3. The learned counsel for the respondent submitted that the petitioner has sufficient means to maintain his wife, but he neglected to pay the maintenance. Due to harassment made by the petitioner, the



respondent left the matrimonial home. After considering all the issues, the trial Court awarded compensation to the respondent, which does not warrant any interference.

4. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

5. On a perusal of records, it is seen that the marriage between the petitioner and the respondent was solemnized in the year 2011 according to Hindu rites and customs. After marriage, they were living in the matrimonial home. Due to misunderstanding, the respondent left the matrimonial home and now they are living separately.

6. The learned Judge, Family Court, has awarded a sum of Rs.6500/- to the respondent as maintenance. As a dutiful husband, the petitioner has to maintain the wife as per Section 125 of Cr.P.C. This Court does not find any perversity with the order passed by the Family Court and there is no merit in the revision.

7. In the result, this Criminal Revision is dismissed. The petitioner



is directed to pay entire arrears amount within a period of four weeks from the date of receipt of a copy of this order and he further directed to continue to pay the maintenance amount to the respondent as directed by the learned Judge, Family Court, on or before 5th of every English Calender month, without any default. Consequently, connected miscellaneous petition is closed.

04.06.2024

Index:yes/no
Internet:yes/no
Speaking order/Non speaking order
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To
The Family Court, Tiruvallur.



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M.DHANDAPANI.,J.

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