



CRL.R.C.No.1978 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**CRL.R.C.No.1978 of 2023
and
CRL.M.P.No.18387 of 2023**

M.P.Sudhakar

... Petitioner

Vs.

R.Selvarani

... Respondent

PRAYER : Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C., to set aside the order in M.C.No.15 of 2020 dated 09.08.2023 passed by the Family Court, Dharmapuri and allow the Criminal Revision Petition.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Notice dispensed with



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ORDER

This Criminal Revision Case has been filed against the order passed in M.C.No.15 of 2020 dated 09.08.2023 by the Family Court, Dharmapuri.

2. Since no adverse order is going to be passed, notice to the respondent is dispensed with.

3. The facts of the petitioner is that the marriage between the petitioner / husband and the respondent / was solemnized on 31.01.2005. Both of them lived happily for some time. The petitioner / husband has developed illegal contact with one Kamatchi and has not taken care of the respondent / wife and not come to the house. Thereafter, it came to light that the petitioner / husband has married that woman. The respondent / wife is running her life with great difficulty and she has no finance. Therefore, she has filed a petition in M.C.No.15 of 2020 on the file of the Family Court,



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Dharmapuri, seeking maintenance of Rs.25,000/- per month. The learned Judge, after hearing both sides, allowed the petition in part by directing the petitioner / husband to pay a sum of Rs.15,000/- per month to the respondent on or before 5th of every English calendar month. The petitioner is also directed to pay arrears of maintenance within three months. Challenging the same, the present petition has been filed by the petitioner / husband.

4. The learned counsel appearing for the petitioner submitted that the respondent / wife is working as Accountant in Nallampalli Vijay Vidhyalaya Arts and Science College and earning a sum of Rs.25,000/- per month, whereas the petitioner is working as acting driver and he did not have regular duty for driving. However, the Court below came to the conclusion that the petitioner is earning Rs.50,000/- per month and directed the petitioner / husband to pay a sum of Rs.15,000/- as monthly maintenance to the respondent, which is unsustainable. He further submitted that the respondent is having sufficient means to maintain herself and



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without considering all these facts, the Court below ordered for maintenance, which needs to be interfered with. Accordingly, he prays for setting aside of the award passed by the Court below.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing for the petitioner and perused the materials available on record.

6. A reading of the order of the Court below reveals that the respondent / wife is jobless and she completed 10th standard and according to the evidence of R.W.3, she quit the job on 30.03.2020 and she is the legally wedded wife of the petitioner. Though the petitioner has performed second marriage with one Kamatchi when the first marriage with the respondent herein was subsisting, it is the duty of the husband to maintain his wife. The Court below after taking into consideration the income of the petitioner / husband, has rightly awarded the monthly maintenance of Rs.15,000/- to the respondent / wife to be paid by the petitioner / husband



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and the same does not warrant any interference. Hence, this Court is not inclined to interfere with the order passed by the learned Family Judge, Dharmapuri in M.C.No.15 of 2020. The petitioner is directed to pay the monthly maintenance to the respondent on or before 5th of every English calender month as ordered by the Court below and also pay the entire arrears of maintenance amount to the respondent within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petition is closed.

03.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Family Court,
Dharmapuri.



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M.DHANDAPANI,J.

vji

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