



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-07-2026**

CORAM

**THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**CRL RC No. 1380 of 2026**

J.Jubeir @ Syed Mustafa  
S/o.Jiyavudeen,

..Petitioner(s)

Vs

1. M.Muhamootha Alifia  
D/o.Mohamed Murthaja
2. Minor.Ayisha Haniya  
Rep.by her natural guardian/mother  
M.Muhamootha Alifia

..Respondent(s)

The Criminal Revision Case filed under Section 397 & 401 of the Cr.P.C., to pass an order to set aside the order dated 24.05.2024 made in C.M.P.No.1716 of 2023 in M.C.No.53 of 2023 on the file of Honble Family Court, Erode and to enhance the maintenance amount and pass further suitable orders and thus render Justice

For Petitioner(s):

Mr. S.Bharanidharan

### **ORDER**

This Criminal Revision Case is filed to set aside the order dated 24.05.2024 made in C.M.P.No.1716 of 2023 in M.C.No.53 of 2023 on the file of Honble Family Court, Erode



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2. The facts of the case are that the Revision Petitioner and the 1<sup>st</sup> Respondent got married on 22.04.2018 and the 2<sup>nd</sup> Respondent is the minor female child, born to them. The 1<sup>st</sup> Respondent had filed MC.No.53 of 2023, seeking maintenance before the Trial Court. During pendency of the maintenance case, the respondents herein has filed CMP.No.1716 of 2023 before the Family Court. The learned Trial Court, by the impugned order dated 24.05.2024, a sum of Rs.20,000/- p.m. was ordered to be paid to the Respondents (Rs.10,000/- to the 1<sup>st</sup> Respondent and Rs.10,000/- to the female child/2<sup>nd</sup> Respondent) as interim maintenance. Hence, this Criminal Revision Case has been filed by the Revision Petitioner, seeking the relief, as stated above.

3. This Court heard Mr.S.Bharanidharan, the learned counsel for the Revision Petitioner. Since no adverse order is passed against the respondents, notice to them is dispensed with.

4. The learned counsel for the Revision Petitioner has submitted that the court below failed to appreciate the fact that the 1<sup>st</sup> Respondent voluntarily refused to live with him, without any reasonable cause and that without considering the liabilities and the financial status of the Revision Petitioner and also the source of income available to the 1<sup>st</sup> Respondent, the Trial Court had passed the impugned order, granting maintenance to the tune of Rs.20,000/-



p.m. to the 1<sup>st</sup> Respondent and the female child/2nd Respondent and that without proper application of mind, the impugned order had been passed in a mechanical manner and hence, this Criminal Revision Case is liable to be allowed, as prayed for.

5. This Court considered the submissions of the learned counsel for the petitioner and also perused the entire materials placed on record.

6. The fact that the Revision Petitioner is the husband of the 1<sup>st</sup> Respondent and they got a female child/2nd Respondent, have not been denied. The amount fixed towards maintenance by the Court Below is Rs.20,000/- for the respondents, which, in the present days of rising prices and high cost of living, cannot be considered as excessive or disproportionate or unreasonable. The said monetary relief granted to the Respondents, by the courts below is adequate, fair and reasonable and consistent with the standard of living, to which the aggrieved person is accustomed. The provisions of Section 144 of BNSS are enacted to stop the vagrancy of a destitute wife/child and provide some succour to them, who are entitled to get the maintenance, which cannot be denied. Further, the learned counsel for the Revision Petitioner has not been able to point out any illegality or impropriety or incorrectness in the impugned orders, granting such quantum of maintenance, warranting interference by this Court.



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7. In such circumstances, to meet the ends of justice, the impugned orders does not require any interference by this Court, as this court does not find any illegality or impropriety or incorrectness in the impugned orders and this Criminal Revision Case lacks merit and hence, it is liable to be dismissed.

8. In the result, the Criminal Revision Case stands dismissed, as devoid of merits. There is no order as to costs.

**22-07-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

rli

To

The Family Court, Erode.



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**SHAMIM AHMED, J.**

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