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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.237 OF 2020

K.N.Muzaffar Ahmed

.. Petitioner

Vs

1. C.Asma Firdause
2. M.Nasuha Nousheen (Minor)
3. M.Mohammed Owais (Minor)

(2 & 3 Minors, rep., by their Mother and
Natural Guardian the 1st Respondent)

.. Respondents

Prayer: Criminal Revision Case filed under Section 397 read with
401 Cr.P.C, to set aside the order dated 23.10.2019 in
M.C.No.284 of 2017 on the file of I Additional Family Court,
Chennai.

For the Petitioner : Mrs.R.Nirmala

For the Respondents : No Appearance

O R D E R

This Revision is filed against the order dated 23.10.2019 passed by the learned I Additional Family Court, Chennai in M.C.No.284 of 2017 whereby, the learned Family Court awarded monthly maintenance of Rs.4000/- per month for the first respondent / wife and Rs.3000/- per month each to the second and third respondents, in all totalling to Rs.10,000/- per month. The relationship between the parties is admitted.

2. According to learned counsel for the petitioner, the Trial Court took the income as Rs.25,000/- without any basis whatsoever and the petitioner has not let in any evidence. She would further submit that even the said income has now drastically come down in view of the subsequent Covid-19 situation.



3. I have considered the submissions made by learned counsel for the petitioner.

4. I am of the view that the Trial Court, after taking into consideration of the evidence let in by the first respondent / wife and the copy of the sale deeds in Exhibit Ex. P.11 to P.13 marked, and considering the background of the parties, have correctly ordered the monthly maintenance of sum of Rs.10,000/-. The petitioner did not even get into the box and let in any evidence whatsoever before the learned Family court. This being the situation, the petitioner cannot now plead in the revision that the Family Court has wrongly calculated his income. As far as the second contention regarding the subsequent reduction in income, that may not be a ground to assail the order of grant of maintenance. On the other hand, the petitioner can only file an application under Section 127 of the Code of Criminal Procedure.

5. In view of the above, the Criminal Revision fails and is dismissed subject to the above observations. Consequently, CrI.M.P.No.1719 of 2020 is also closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

The I Additional Family Court,
Chennai.

CrI.R.C.No.237 of 2020

PM(CO)
RLP(28/06/2022)