



Crl.RC.No.1406 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1406 of 2022

A.Devabalan

...Petitioner/Appellant/Respondent

-Vs-

D.Malathi

(For her minor daughter

Nishitha Deva

aged about 6 years)

...Respondent/Respondent/Petitioner

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order in M.C.No.26 of 2019 dated 06.04.2022 on the file of the learned Judge, Family Court, Villupuram.

For Petitioner : Mr.G.Kartheeban

For Respondent : No Appearance



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ORDER

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This Criminal Revision has been filed to set aside the order in M.C.No.26 of 2019 dated 06.04.2022 on the file of the learned Judge, Family Court, Villupuram.

2. The petitioner is husband and the respondent is wife. Both the petitioner and the respondent are working as teachers and they earned a sum of Rs.75,000/- each. Originally, the respondent filed maintenance case in M.C.No.26 of 2019 before the Family Court, Villupuram, seeking monthly maintenance of Rs.20,000/- p.m for the minor daughter and Rs.2,00,000/- per year for education and other expenses of the minor daughter. The learned Judge, Family Court, after hearing both the parties and analysing the documents on record, by order dated 06.04.2022, allowed the petition and after considering the fact that the petitioner is having sufficient means, the minor daughter does not have any independent source and therefore both the father and mother have to maintain her and the minor daughter is living with her mother. Therefore, the learned Judge ordered maintenance of Rs.10,000/- p.m and Rs.50,000/- per year for the minor daughter. On which, the



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Respondents has filed C.M.P.No.15 of 2022 under Section 128 of Cr.P.C., before the Family Court, Villupuram and the same is pending.

3. Challenging the order passed by the learned Judge, Family Court in the Maintenance case filed by the Petitioner/Wife for the minor daughter under Section 125 Cr.P.C, present appeal has been filed.

4. The learned counsel appearing for the petitioner/husband would submit that the Petitioner herein/husband is paying his EMI and also having an old aged mother and therefore, it is very difficult for the petitioner to maintain himself and his mother. The learned Judge, Family Court without considering the fact, has erroneously ordered monthly maintenance of Rs.10,000/-, apart from that, Rs.50,000/- per year for the educational expenses to the minor daughter.

5. The learned counsel for the petitioner would further submit that the mother of the minor daughter is also working. She has to pay maintenance for the minor daughter, equally. Therefore, maintenance ordered by the



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learned Judge, Family Court is exorbitant and the same is to be reduced.

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6. Heard the learned counsel for the petitioner and perused the records.

7. Admittedly, the petitioner is husband and the respondent is wife. She filed petition for maintenance for her daughter. The relationship between the parties is not in dispute. Both are living separately and the minor daughter is living with her mother. It is also not in dispute. HMOP filed by the Petitioner/Husband was allowed by the learned Subordinate Judge, Tambaram. The Petitioner/Husband is working as teacher and he is getting a salary of Rs.75,000/- also not in dispute. Considering the facts and circumstances, this Court does not find any merit in the revision case and therefore it is liable to be dismissed.

8. The order passed by the learned Judge, Family Court, Villupuram in CMP.No.15 of 2022 in M.C.No.26 of 2019 dated 06.04.2022 is hereby confirmed.



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WEB COPY Accordingly, the criminal revision case is dismissed.

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Index : Yes/No
Speaking order/non speaking order
dh

To

The learned Judge,
Family Court, Villupuram.



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P.VELMURUGAN, J.,

dh

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