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Crl.R.C.No.89 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.89 of 2020
and
Crl.M.P.No.488 of 2020

M.Loganathan

... Petitioner

Versus

1.L.Poongogi

2.L.Sudharsan

... Respondents

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to set aside the order dated 14.11.2019 by the V Additional Family Court Judge in M.C.No.234 of 2014.

For Petitioner : M/s.Parvathy Sekar

For Respondents : Mr.V.Kannadasan
for R1
No appearance for R2

ORDER

The Criminal Revision Case is preferred against the order dated 14.11.2019 passed in M.C.No.234 of 2014 by the learned V Additional Principal Judge, V Additional Family Court, Chennai.



2. The petitioner is the husband and the first respondent is wife and the second respondent is the son of the petitioner. The respondents herein filed a maintenance case in M.C.No.234 of 2014 under Section 125 Cr.P.C before the V Additional Family Court, Chennai seeking monthly maintenance. The Court below after appreciating the entire materials awarded a sum of Rs.20,000/- per month to the first respondent and Rs.6,000/- per month to the second respondent as maintenance. Challenging the said order, the petitioner has preferred the present revision.

3. The learned counsel for the petitioner submitted that the petitioner is working as a Operator-RTG in DP World Pvt.Ltd and his monthly salary is Rs.34,104/- as per the salary slip produced by the petitioner for the month of August 2017. The learned Judge without considering the monthly income of the petitioner awarded a sum of Rs.20,000/- to first respondent and Rs.6,000/- to the second respondent as monthly maintenance, which are excessive and exorbitant.

4. Per contra, the learned counsel for the respondents submitted that the petitioner is getting a sum of Rs.50,000/- per month as salary. The



petitioner and the respondents are living separately. The petitioner filed O.P.No.2184 of 2008 seeking divorce and the same is pending for consideration. The first respondent/wife also filed Domestic Violence Act case and in C.M.P.No.5363 of 2008 the learned Magistrate ordered interim maintenance to the respondents. Whenever, the first respondent/wife questioned about the illegal intimacy, the petitioner caused cruelty on the first respondent and also driven her from the house. The first respondent has no independent source of income and she is unable to maintain herself and her son. Therefore, the Family Court has rightly awarded maintenance to the respondents. There is no merit in the revision and the same is liable to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the relationship between the parties are not in dispute and the paternity of the second respondent is also not in dispute. The monthly salary of the petitioner is Rs.34,104/- as per the salary slip produced by the petitioner for the month of August 2017. At the time of pronouncing the



order i.e., in the month of November, 2019, the learned Judge, Family Court held that after 2 ½ years the monthly salary of the petitioner would have been raised. As the petitioner has not produced any current salary slip to substantiate his claim that he is getting meagre income and therefore, appreciating the entire materials, the Court below awarded a sum of Rs.20,000/- per month to the first respondent and Rs.6,000/- per month to the second respondent as maintenance.

7. Considering the facts and circumstances that the petitioner is working as a Operator-RTG in DP World Pvt.Ltd., and he is earning a sum of Rs.34,104/- even in the month of 2017 itself and now we are entering into 2023, considering the cost of living as on date and price index has also been raised day-to-day, the maintenance awarded by the Family Court is very reasonable and the same does not require any interference.

8. In the light of the above facts and circumstances, this Court does not find any perversity or infirmity in the order passed by the learned Judge, Family Court, Chennai and there is no merit in the revision and the same is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed.



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The petitioner is directed to pay the entire arrears amount within a period of thirty days (30) from today and also directed to pay monthly maintenance to the respondents as directed by the Family Court, failing which, the learned V Additional Principal Judge, V Additional Family Court, Chennai is directed to issue warrant to the petitioner and execute the order in accordance with law, without filing any formal application. Consequently, connected miscellaneous petition is closed.

13.12.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

Note : Issue Order Copy on 13.12.2022.

To

The V Additional Principal Judge,
V Additional Family Court,
Chennai.



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P.VELMURUGAN, J.

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