



CrI.R.C.No.1168 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.07.2023

Coram:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CrI.R.C.No.1168 of 2023

and

CrI.M.P.No.9132 of 2023

Mr.J.Syed Shakeel

.. Petitioner

Vs.

1. Mrs.Nigharunisha

2. S.Syed Owais,

(Minor, rep. by

his mother and natural guardian-first respondent)

.. Respondents

Criminal Revision Case filed under Section 397 read with Section 401 Cr.P.C. against the order dated 20.10.2022 passed in M.P.No.588 of 2021 in M.C.No.254 of 2021 on the file of the III Additional Principal Judge, Family Court, Chennai.

For petitioner : Mr.D.Nelliappan

ORDER

The revision petitioner herein is the respondent (husband) in M.P.No.588 of 2021 in M.C.No.254 of 2021 on the file of the III Additional Principal Judge, Family Court, Chennai.

2. The respondents herein filed M.C.No.254 of 2021 under Section 125

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Cr.P.C. seeking maintenance of a sum of Rs.20,000/- per month to them. During the pendency of the said case, they have filed M.P.No.588 of 2021 under Section 125(2) Cr.P.C. seeking interim maintenance of Rs.10,000/- per month to the first respondent herein (wife) and Rs.10,000/- per month to the second respondent herein (child).

3. The case of the first respondent (wife) is that the marriage between herself and the revision petitioner was solemnised on 02.08.2018 in Chennai, as per Muslim rites and customs. Out of their wed-lock, a male child, namely Syed Owais (second respondent herein) was born to them.

4. The specific contention of the first respondent/wife is that the revision petitioner/husband deserted them and though they made several attempts to bring him back to the matrimonial home, their efforts went in vain and that therefore, the respondents herein filed M.C.No.254 of 2021 before the Court below, seeking maintenance from the revision petitioner herein (husband).

5. The revision petitioner filed counter affidavit stating that the first respondent (wife), after delivery of her son Syed Owais (second respondent herein), did not come back to the matrimonial home and that he was in fact taking care and supporting them.

6. The trial Court, after considering the rival submissions made by both parties, allowed the petition, vide order dated 20.10.2022 by granting interim



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maintenance of Rs.8,000/- to the first respondent (wife) and Rs.5,000/- to the second respondent (Child). He further directed that the said maintenance amount should be paid on or before 5th of every English calendar month. It was further directed that the arrears of maintenance should be paid within two months. Now, the present revision petition is filed challenging the said order passed by the Court below.

7. Learned counsel for the revision petitioner contended that the first respondent (wife) is working in Infosys and that she can take care of herself. His further contention is that the revision petitioner (husband) is only earning a sum of Rs.54,800/- per month and that he has to maintain his parents also. Therefore, he would pray that the present revision petition may be allowed.

8. It is seen from the records that though the present revision petitioner contended that the first respondent (wife) is working in Infosys, he has not adduced any acceptable oral or documentary evidence to substantiate the same. It is also seen that the first respondent has no independent source of income and her child is aged about 2 years as on the date of filing of M.C.No.254 of 2021. It is an admitted fact that the present revision petitioner is working as Junior Executive in M.R.F.Tyres, Gujarat, and he had filed his salary slip, which would show that his monthly income is Rs.54,800/- after deductions towards TDS.

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9. The trial Court had directed the present revision petitioner (husband) to pay only a total sum of Rs.13,000/- to the respondents herein (wife and child) (i.e. Rs.8,000/- to the wife and Rs.5,000/- to the child) towards interim maintenance from the date of filing of the petition, i.e. from 07.07.2021. A detailed order had been passed by the trial Court and I do not see any reason to interfere with the same.

10. Hence, this criminal revision case is dismissed at the admission stage itself. The revision petitioner (husband) is directed to comply with the impugned order dated 20.10.2022 passed by the Court below.

11. Consequently, Crl.M.P.No.9132 of 2023 is closed.

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Index: Yes/no
Speaking Order: Yes/no
Neutral citation: Yes/no
CS

To

1. III Additional Principal Judge, Family Court, Chennai.
2. The Public Prosecutor, High Court, Madras.

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R.HEMALATHA, J

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