



Crl.R.C. No.1214 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.R.C.No.1214 of 2023

D.M. Nagarajan

...Petitioner

Vs.

1. V. Jeya

2. Minor N. Mageshwaran

...

Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w 401

Cr.P.C. against the order dated 09.03.2023 passed in M.C.No.32 of 2018

on the file of the Principal Family Judge, Coimbatore.

For Petitioner : Mr.I. Kabilan

ORDER

The present Criminal Revision Petition is filed against the order dated 09.03.2023 passed in M.C.No.32 of 2018 on the file of the



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Principal Family Judge, Coimbatore.

2. This Criminal Revision Petition is listed before this Court today for admission and the same is decided at the admission stage itself.

3. The revision petitioner is the respondent in M.C.No.32/2018 on the file of the Principal Family Judge, Coimbatore. The present respondents filed the said petition under Section 125 (1) (a) (b) Cr.P.C. seeking maintenance of Rs.2,00,000/- per month from the present revision petitioner.

4. The facts of the case in nutshell are as follows:

- i. The petitioner and the 1st respondent were married to each other under Hindu Rights and customs on 10.03.2008 at Sankaranarayanan Mahal, Coimbatore, and out of the wedlock, they were blessed with a male child by name N. Mageshwaran.
- ii. Since there was no love last between the couple, the petitioner/husband filed H.M.O.P. No.323/2018 for grant of



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divorce. He also filed G.W.O.P. No.1105/2018 seeking custody of the minor child M.Mageshwaran.

- iii. The present respondent/wife filed M.C. No.32/18 seeking maintenance from the revision petitioner/husband.
- iv. All the above cases were tried jointly by the learned Principal Judge, Family Court, Coimbatore.
- v. The learned Principal Judge, Family Court, Coimbatore, dismissed the petitions filed by the revision petitioner/husband in H.M.O.P. No.323/2018 and G.W.O.P. No.1105/2018. As far as the maintenance case filed by the respondent/wife is concerned, the trial court judge directed the present petitioner to pay a sum of Rs.10,000/- per month to the 1st respondent and Rs.50,000/- to the 2nd respondent from the date of petition i.e. 31.01.2018. The trial court judge further directed the present petitioner to pay the arrears of maintenance amount within a period of two months from the date of the order.

5. Aggrieved over the orders passed in M.C. No.32/2018 by the



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trial court judge, the present Criminal Revision Petition is filed by the husband.

6. Mr. I. Kabilan, learned counsel for the revision petitioner contended that the trial court, even without any records to show that the salary of the revision petitioner is around Rs.4 lakhs, directed him to pay a maintenance of Rs.60,000/- to the respondents. He therefore prayed for setting aside the orders passed by the Family Court.

7. A perusal of the orders passed by the Principal Judge, Family Court, Coimbatore, shows that the present revision petitioner even at the time of marriage was working as an Engineer in Kuwait and the present respondents were living with the parents of the present revision petitioner at Karur. Subsequently, the 1st respondent left the matrimonial home and joined her parents at Coimbatore. The trial court after considering the evidence adduced on both sides had come to a conclusion that the 1st respondent left the matrimonial home for a valid reason. The trial court judge had analysed the evidence threadbare for coming to such



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a conclusion and all the observations made by the trial court are perfectly in order.

8. It is also seen from the records that the 1st respondent is now employed in Coimbatore in Cognizant Technologies Limited and her salary is around Rs.1,00,000/-. The present revision petitioner in his evidence had clearly stated that his salary was 20,000 AED, which is equivalent to Rs.4 lakhs of Indian Rupees even in the year 2013. The fact that the present revision petitioner is employed in United Arab Emirates has not been denied by him. Considering the status of the present revision petitioner and also the status of the 1st respondent, the trial court judge had awarded maintenance of Rs.60,000/- per month to the respondents and the same cannot be said to be on the higher side. In fact, the trial court had taken into account that the 1st respondent is employed in CTS, Coimbatore and is earning a sum of Rs.1,00,000/- per month and therefore she was awarded a maintenance of Rs.10,000/- only. As far as the minor child is concerned, he has to be given good education in the present competitive world and also he requires atleast Rs.50,000/- per



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month towards his educational and other expenses including medical expenses and therefore awarding of Rs.50,000/- per month to the 2nd respondent is perfectly right. In the circumstances, I do not see any reason to interfere with the findings recorded by the trial court and therefore, the Criminal Revision petition is dismissed at the admission stage itself.

6. In the result,

- i. the Criminal Revision Petition is dismissed. No costs.
- ii. the order dated 09.03.2023 passed in M.C.No.32 of 2018 on the file of the Principal Family Judge, Coimbatore. is confirmed.

21.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
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To

1. The Judge, Principal Family Court, Coimbatore

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