



Crl.R.C.No.1020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1020 of 2023
and
Crl.M.P.Nos.8137 and 17497 of 2023

D.Selvakumar

... Petitioner

Vs.

1.S.Sudha

2.S.Krashini

3.S.Neovinersha

... Respondents

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 10.11.2022 made in M.P.No.343 of 2021 in M.C.No.408 of 2018 by the V Additional Principal Family Court at Chennai.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.S.Gurumoorthy



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ORDER

The petitioner is the husband, the first respondent is the wife and the respondents 2 and 3 are their minor daughters. Since the issue involved is on a short campus challenging the maintenance granted by the Lower Court, the main revision petition itself is taken up for disposal.

2.The contention of the learned counsel for the petitioner is that the first respondent filed M.C.No.408 of 2018 claiming maintenance amount of Rs.20,000/- for herself and Rs.20,000/- to each of the two minor daughters. During the pendency of the maintenance case, the respondent filed a petition for interim maintenance in Crl.M.P.No.343 of 2021 and the Family Court by order dated 10.11.2022 passed an order under Section 125(1) Cr.P.C. directing the petitioner to pay Rs.10,000/- per month to the first respondent and Rs.10,000/- per month to each of the respondents 2 and 3, in total Rs.30,000/- to be paid by the petitioner and this amount to be paid on or before 5th of every English Calendar month. Though very many grounds raised by the petitioner, the petitioner primarily questioned the finding of



the Lower Court based on the monthly salary as per the pay slip for the month of December 2021 wherein it was found that the petitioner receives a gross salary of Rs.1,26,048 and net salary of Rs.74,613/-, which is not proper. He would submit that the petitioner has not denied the marriage between the petitioner and the first respondent on 12.03.2000 and out of their wedlock, two children/respondents 2 and 3 were born. He further submitted that after deductions, the petitioner is getting a salary of Rs.43,212/- and with that amount, he has to pay EMI, insurance and to meet other expenses. Hence, the maintenance amount ordered by the Lower Court is exorbitant.

3.On the other hand, the learned counsel for the respondents submitted that the marriage between the petitioner and the first respondent was solemnized on 12.03.2000 and they were blessed with two daughters. The first respondent deserted the matrimonial home from the year 2014, the petitioner neglected to maintain his wife and two children and the first respondent with great difficulty maintained her two daughters. He would submit that the petitioner neglected to support even for the basic needs of



the children. He would further submit that based on the statement of income and assets produced by the respondent, the Lower Court had given a finding which is sustainable. Further, the respondent produced the pay slips of the petitioner for the month of January 2022, March 2023, April 2023, May 2023, June 2023 and submitted that the petitioner's contention is not correct and he is earning more than what he claims.

4.The learned counsel for the petitioner objected these pay slips referred by the learned counsel for the respondents for the reason that these pay slips were not produced before the Lower Court but had not seriously disputed the pay slips. He further submitted that in obedience to the order of this Court, he is making regular payments and he is paying educational expenses of the minor daughters.

5.The learned counsel for the respondents strongly disputed the same by stating that the petitioner has to pay the arrears of Rs.9,00,000/-.

6.Considering the submissions made and on perusal of the materials,



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it is seen that the petitioner is employed in Southern Railways in the Commercial Department having gross salary of Rs.1,49,405/- for the month of April 2023 and later due to other deductions, gross salary has been reduced but the deductions are all makings of the petitioner depending upon the needs and further it also depends upon the petitioner's TA allowance. These factors to be considered by the Lower Court while disposing the main application and the petitioner's gross salary is not less than Rs.1 lakhs. In view of the same, this Court finds that the order of the Lower Court is reasonable and not to be interfered with.

7. Accordingly, the criminal revision petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

24.11.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

cse

To

The Judge,
V Additional Principal Family Court,
Chennai.

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