



Crl.RC.No.172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.07.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.172 of 2024
and
CRL.MP.No.1438 of 2024

P.Jagadesh Kumar

.. Petitioner

Vs.

1. J.Yuvarani

2. J.Deepshika

Rep. by Mother J.Yuvarani

... Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to call for the records in M.P.No.81 of 2023 in M.C.No.228 of 2022 on the file of Learned V Additional Principal Family Court, Chennai vide order dated 21.11.2023 and set aside the same.

For Petitioner : Mr.T.K.S.Gabdhi

For Respondents : Mr.R.Rajesh Kumar



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ORDER

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This Criminal Revision Case is filed to set aside the order dated 21.11.2023 passed in M.P.No.81 of 2023 in M.C.No.228 of 2022 on the file of Learned V Additional Principal Family Court, Chennai.

2. The case of the petitioner is that, the marriage of the petitioner/husband and the first respondent/wife was solemnized on 19.11.2010 as per Hindu Rites and Customs and out of the said wedlock, the second respondent was born. Due to some difference of opinion, the first respondent filed the domestic violence case in DVC.No.138 of 2022 on the file of Additional Mahila Court, Egmore, Chennai and the petitioner has filed a petition seeking restitution of conjugal rights in H.M.O.P.No.885 of 2022 on the file of Family Court, Chennai. In the meantime, the first respondent filed a maintenance case under Section 125 of Cr.P.C. in M.C.No.228 of 2022 on the file of V Additional Family Court, Chennai, claiming a sum of Rs.25,000/- per month for each respondents as maintenance. Thereafter, the respondents filed a petition u/s.125(2) of Cr.P.C. in M.P.No.81 of 2023 seeking a sum of Rs.25,000/- per month to



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the respondents 1 and 2. After adjudication, the Trial Court awarded a sum of Rs.15,000/- p.m. to the first respondent and a sum of Rs.10,000/- to the second respondent towards interim maintenance to be payable by the petitioner. Aggrieved by the same, the present revision is filed by the petitioner/husband.

3. Learned counsel appearing for the revision petitioner submitted that the monthly maintenance awarded by the trial court in favour of the respondents is highly excessive. Further, the 1st respondent is working as a librarian at Don Bosco Matriculation Higher Secondary School, Erukanchery, Chennai and is earning a sum of Rs.11,000/- per month which is sufficient to maintain herself and the 2nd respondent. While so, without considering the said facts, the trial court had mechanically awarded maintenance in favour of the respondents payable by the petitioner, which requires to be modified Accordingly, he prayed for appropriate orders.

4. The learned counsel appearing for the respondents submits that upon perusing the oral and documentary evidence the trial court has directed



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the petitioner to pay interim maintenance of a sum of Rs.15,000/- per month to the first respondent and a sum of Rs.10,000/- per month to the second respondent which is just and reasonable and the same does not require any interference of this Court.

5. Heard the learned counsel appearing for the parties and perused the materials available on record.

6. There is no dispute about the marriage between the petitioner and his wife. The respondents are the children of the petitioner. It is to be pointed out that it is the duty of the husband to maintain his wife and children and the comforts, which were available to the spouse and the children should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and children.

7. It is the claim of the petitioner that the maintenance fixed by the



trial Court is highly excessive and that the first respondent is earning a sum of Rs.11,000/- as librarian in a private concern, however, it is the claim of the respondents that the petitioner is working as Zonal Sales Manager in a private concern and is earning not less than Rs.80,000/- per month. In order to strike balance between the parties, this Court is inclined to modify the maintenance awarded in respect of the first respondent alone from Rs.15,000/- per month to a sum of Rs.10,000/- per month.

(i) the petitioner/husband is directed to pay the arrears of maintenance amount at the rate of Rs.10,000/- per month to first respondent, less the amount, if any already paid by him, within a period of four (4) weeks from the date of receipt of a copy of this order;

(ii) the petitioner/husband shall also continue to pay the above modified maintenance amount to the wife and children of the petitioner on or before the 5th day of every English Calendar month.

(iii) It is made clear that the maintenance awarded in respect of the second respondent shall not be altered.



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8. Upon receipt of necessary proof for payment of arrears amount, the Trial Court is directed to dispose of the maintenance case in M.C.No.228 of 2022 within a period of three months from the date of payment of arrears amount.

9. Accordingly, the Criminal Revision Case is disposed of with the above terms. Consequently, the connected criminal miscellaneous petition is closed.

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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To

The V Additional Principal Family Court, Chennai



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M.DHANDAPANI, J.

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