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CrI.R.C.No.410 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**CrI.R.C.No.410 of 2024
And
CrI.M.P.No.6472 of 2024**

H.Thomas Samson Raj

... Petitioner

Vs.

C.Pennarasi

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, seeking to set aside the impugned order dated 10.11.2023 by learned Principal Family Judge at Chengalpattu in F.C.M.C.No.11 of 2020.

For Petitioner : M/s.A.Beula Chrismak Darius
For Respondent : M/s.R.Roslin

ORDER

The criminal revision case has been filed seeking to set aside the order dated 10.11.2023 passed by the learned Principal Family Judge at Chengalpattu in F.C.M.C.No.11 of 2020.



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2.The case of the petitioner is that the petitioner is the husband and the respondent is the wife. Their marriage was solemnized on 24.08.2015 and out of the wedlock, they were blessed with a female child. Thereafter there was a matrimonial dispute between them and the respondent filed maintenance case under Section 125 of Cr.P.C. in F.C.M.C.No.11 of 2020 before the Family Court at Chengalpattu seeking monthly maintenance of Rs.30,000/-. The Court below allowed the said case and directed the petitioner to pay a sum of Rs.10,000/- to the respondent and Rs.5,000/- to their daughter towards monthly maintenance from the date of filing of the petition. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the petitioner is working as gym trainer and earn only a sum of Rs.12,000/- per month. Hence, the impugned order directing the petitioner to pay a sum of Rs.15,000/- towards monthly maintenance is not sustainable and further submitted that without any proof for salary, assets and liability, the Court below mechanically passed the impugned order.



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4.The learned counsel appearing for the respondent submitted that though no proof for salary, assets and liability were produced before the Court below, considering the present cost of living, the Court below directed the petitioner to pay a sum of Rs.15,000/- towards monthly maintenance, which warrants no interference.

5.The facts of the case and the relationship between the parties is not disputed. Admittedly, no proof for salary, assets and liability were produced before the Court below by the respondent. It is contended that the petitioner is working as gym trainer and earn only a sum of Rs.12,000/- per month. Hence, the impugned order directing the petitioner to pay a sum of Rs.15,000/- towards monthly maintenance is not sustainable. Hence, inorder to strike the balance, this Court directs the petitioner to pay a sum of Rs.10,000/- (Rs.5,000/- to the respondent and Rs.5,000/- to their daughter) towards monthly maintenance from the date of filing of the petition in F.C.M.C.No.11 of 2020 on the file of the learned Principal Family Judge at Chengalpattu.

6.Accordingly, this Court directs the petitioner to deposit the



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entire arrears amount at the rate of Rs.10,000/- per month, to the credit of F.C.M.C.No.11 of 2020 on the file of the learned Principal Family Judge at Chengalpattu, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.10,000/- per month to the respondent towards maintenance on or before 7th of every succeeding English Calender. Liberty is granted to the respondent to file petition seeking enhancement in maintenance amount in terms of Section 127 of Cr.P.C., if there is any proof available with regard to salary, assets and liability of the petitioner.

7.This criminal revision case is disposed of on the above terms. Consequently, the connected miscellaneous petition is closed.

17.04.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Principal Family Judge at
Chengalpattu.

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M.DHANDAPANI,J.
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