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Crl.R.C.No.538 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.538 of 2022
And
Crl.M.P.No.5479 of 2022**

G.C.Hemanth Kumar

... Petitioner

Vs.

1.H.Niranjana
2.Minor.H.Lathik Kumar
(Minor son represented by his Mother
H.Niranjana)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, seeking to set aside the order dated 03.08.2021 passed in F.C.M.C.No.33 of 2017 by the Family Court Judge, Vellore.

For Petitioner : Ms.S.Ambika
for M/s.K.Venkateswaran
For Respondents : Mr.K.S.Vaithianathan

O R D E R

The criminal revision case has been filed seeking to set aside the



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order dated 03.08.2021 passed in F.C.M.C.No.33 of 2017 by the Family Court Judge, Vellore.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 01.11.2009 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in F.C.M.C.No.33 of 2017 before the Family Court at Vellore claiming a sum of Rs.50,000/- as maintenance. After adjudication, the Court below directed the petitioner to pay a sum of Rs.7,500/- each as 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 earn only a sum of Rs.15,000/- per month. Hence, the impugned order directing the petitioner to pay monthly maintenance of Rs.15,000/- is not sustainable. The learned counsel further submitted that the first respondent is working as a School Teacher and earn more than Rs.15,000/- per month and hence, she is not entitled for any



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compensation and further submitted that the petitioner is ready to pay the maintenance amount awarded to the second respondent.

4.The learned counsel appearing for the respondents submitted that now the first respondent has quit the job and she is unemployed and she has to maintain herself and the minor son. The learned counsel further submitted that considering the present cost of living, the amount awarded by the Court below is just and reasonable.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

6.The facts of the case and the relationship between the parties is not disputed. Considering the present cost of living, the amount awarded by the Court below is just and reasonable and the same warrants no interference.

7.The petitioner is directed to deposit the entire arrears amount to the credit of F.C.M.C.No.33 of 2017 on the file of the Family Court, Vellore, less the amount if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this order and shall



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continue to pay a sum of Rs.15,000/- per month to the respondents towards maintenance on or before 7th of every succeeding English Calender Month.

8.This revision is dismissed. Consequently, the connected miscellaneous petition is also closed.

03.04.2024

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

To

1.The Family Court Judge,
Vellore.

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