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CRL.R.C.No.630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.R.C.No.630 of 2024

and

CRL.M.P.No.6004 of 2024

Anthonisamy

... Petitioner

Vs.

1. Clara

2. Joel

Represented by his mother Clara

... Respondents

PRAYER : Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C., to set aside the order in M.C.No.11 of 2020 dated 20.01.2022 passed by the Family Court, Tiruppur and allow the Criminal Revision Petition.

For Petitioner : Mr.J.Franklin

For Respondents : A.Saravanan



CRL.R.C.No.630 of 2024

WEB COPY

ORDER

This Criminal Revision Case has been filed against the order passed in M.C.No.11 of 2020 dated 20.01.2022 by the Family Court, Tiruppur.

2. The facts of the case is that the marriage between the petitioner / husband and the first respondent / wife was solemnized on 11.12.2003. Out of their wedlock, the second respondent was born. Both of them lived happily for some time. The petitioner / husband has developed illegal intimacy with several women and has not taken care of the respondents. Due to matrimonial dispute and misunderstanding, they were living separately. The first respondent / wife is running her life with great difficulty and she has no finance and due to her ailments, she is unable to go for work. Therefore, she has filed a petition in M.C.No.11 of 2020 on the file of the Family Court, Tiruppur, seeking maintenance of Rs.10,000/- per month. The learned Judge, after hearing both sides, allowed the petition by directing the



CRL.R.C.No.630 of 2024

WEB COPY

petitioner / husband to pay a sum of Rs.6,000/- to the first respondent and a sum of Rs.4,000/- to the second respondent as monthly maintenance on or before 5th of every English calendar month. Challenging the same, the present petition has been filed by the petitioner / husband.

3. The learned counsel for the petitioner submitted that the petitioner is working as a coolie and he has not sufficient means to maintain his wife and without appreciating the aforesaid fact, merely on the allegation of the first respondent that the petitioner was earning a sum of Rs.25,000/- per month by running a taxi on his own, the maintenance has been fixed, which requires to be modified. He further submitted that the first respondent has not produced any proof to substantiate that the petitioner is earning a sum of Rs.25,000/- per month through taxi business before the Court below. Hence, he prays for setting aside of the award.

4. The learned counsel for the respondents submitted that it is the duty of the husband to maintain his wife and child and she has no sufficient



CRL.R.C.No.630 of 2024

WEB COPY

means to maintain herself and her child and hence, she is entitled for maintenance. He further submitted that due to the ailments suffered by the first respondent, she is unable to go for work and facing difficulty to maintain herself and child. Hence, the amount awarded by the Court below as maintenance is just and reasonable, which cannot be interfered with.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. On a reading of the order of the Court below reveals that after taking into consideration the income of the petitioner / husband, the Court below has rightly awarded the monthly maintenance of Rs.6,000/- to the first respondent and Rs.4,000/- to the second respondent to be paid by the petitioner / husband and the same does not warrant any interference. Further, it has to be pointed out that it is the duty of the husband to maintain his wife and child and the Court below rightly appreciating the above,



CRL.R.C.No.630 of 2024

ordered the maintenance by considering the means of the revision petitioner.

Hence, this Court is not inclined to interfere with the order dated 20.01.2022 passed by the learned Family Judge, Tiruppur in M.C.No.11 of 2020. The petitioner is directed to pay the monthly maintenance to the respondents on or before 5th of every English calendar month as ordered by the Court below.

7. Accordingly, the Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petition is closed.

23.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The learned Judge,
Family Court,
Tiruppur.



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CRL.R.C.No.630 of 2024

M.DHANDAPANI,J.

vji

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and
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23.04.2024