



Crl.R.C.No.1237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1237 of 2024

and

Crl.M.P.No.10675 of 2024

Shanmugam

... Petitioner

Vs.

1. Meena @ Meenakshi

2. Minor Avinash

... Respondents

PRAYER : Criminal Revision filed under Section 438 r/w 442 of BNSS Act, to set aside the order dated 20.03.2024 made in in M.C.No.29 of 2018 on the file of the Family Court, Erode.

For Petitioner : Mr.A.Sundaravadhanan

ORDER

This criminal revision case is filed against the impugned order dated 20.03.2024 passed in M.C.No.29 of 2018, by the Family Court, Erode.



CrI.R.C.No.1237 of 2024

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2. The case of the petitioner is that the petitioner is the husband of the first respondent and the marriage between the petitioner and the first respondent was solemnized on 08.06.2011 and they were blessed with one son, who is the second respondent herein. There was a dispute between them and the respondents have went out from the matrimonial home. While so, the respondents filed a maintenance case in M.C.No.29 of 2018 before the Family Court, Erode, claiming monthly maintenance of Rs.15,000/- each to the respondents and a sum of Rs.15,000/- towards litigation expenses, however, the trial Court, without considering the aspect that the first respondent was not ready to reunion with the petitioner and that the petitioner has also not having sufficient income, has ordered monthly maintenance of Rs.7,500/- each to the respondents from the date of the petition and a sum of Rs.10,000/- towards litigation expenses. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner submits that the



CrI.R.C.No.1237 of 2024

WEB COPY

petitioner is working as an Assistant Block Development Officer and earning a sum of Rs.45,000/- per month, out of which he has to pay the housing loan and Co-operative society debts and in which, his carry home salary is Rs.13,000/- and he has no capacity to pay such huge amount awarded by the trial Court. He further submitted that the first respondent had completed M.Sc., B.Ed (mathematics) and pursuing M.Phil in Erode Arts College, Erode and working in the "Illam Thedi Kalvi Scheme", which proves she has sufficient income to maintain herself and child, however, without considering the same, the Court below awarded a sum of Rs.7,500/- each to the respondents, which is unsustainable. He further submitted that the first respondent's father has five own houses and earning a sum of Rs.37,000/- as house rent, which shows that the respondents have enough income to fulfill their needs.

4. Heard the learned counsel appearing for the petitioner.

5. It appears that the respondents, who are the wife and children of



Crl.R.C.No.1237 of 2024

WEB COPY

the petitioner, have filed a maintenance case in M.C.No.29 of 2018 before the Family Court, Erode, seeking monthly maintenance of Rs.15,000/- each to the respondents, since the petitioner is not taking care of his wife and children. After considering the factual aspects, the trial Court has ordered monthly maintenance of Rs.7,500/- each to the respondents from the date of petition and a sum of Rs.10,000/- towards litigation expenses and that the petitioner is also directed to pay arrears of maintenance. Though the petitioner claims that the first respondent is working in "Illam Thedi Kalvi Scheme" and she also has enough income to fulfil her needs from her parents assets, it the duty of the husband to maintain his wife and child and the Court below rightly appreciating the above, ordered the maintenance by considering the means of the revision petitioner. Hence, this Court is not inclined to interfere with the order dated 20.03.2024 passed by the Family Court, Erode in M.C.No.29 of 2018. The petitioner is directed to pay a sum of Rs.7,500/- to the each respondents as monthly maintenance on or before 10th of every English calender month and also to pay entire arrears of maintenance as ordered by the Court below within a period of four weeks



Crl.R.C.No.1237 of 2024

from the date of receipt of a copy of this order.

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6. Accordingly, the Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petition is closed.

30.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Family Court,
Erode.



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Crl.R.C.No.1237 of 2024

M.DHANDAPANI, J.

vji

**Crl.R.C.No.1237 of 2024
and
Crl.M.P.No.10675 of 2024**

30.07.2024