



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.1046 of 2024

S.Ramakrishnan

... Petitioner

Vs

1. Sundari

2. Minor Dharshini

(R2 Rep. By her mother first respondent)

... Respondents

PRAYER: Criminal Revision case filed under Article 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order in MC.No.20/2021 dated 24.04.2023 on the file of the Family Court, Dharmapuri.

For Petitioner : Mr.G.K.Sekar

For Respondent : Mr.S.Velmurugan

ORDER

This Criminal Revision case has been filed against the order in MC.No.20/2021 dated 24.04.2023 on the file of the Family Court, Dharmapuri.

2. The case of the respondent is that the Revision Petitioner is husband and the first respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 29.05.2015 as per Hindu Rites and Customs. Out of the wedlock, the second respondent was born. After the marriage, due to difference of opinion, the petitioner and the first respondent were living separately. Thereafter, the respondent filed a maintenance case under Section



125 of Cr.P.C., claiming a sum of Rs.10,000/- each per month and a sum of Rs.2,00,000/- per annum for medical expenses to the second respondent. After adjudication, the learned Judge has allowed the petition and awarded a sum of Rs.10,000/- each per month to the respondents and Rs.2,00,000/- per annum to the second respondent for her medical expenses and Rs.10,000/- per annum to the first respondent as maintenance. Challenging the said order, the petitioner herein has filed the present Revision before this Court.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is working as mason and earning very meager amount. Due to misunderstanding, the first respondent left the matrimonial home along with the child on her own without any sufficient reason. The petitioner is not having sufficient means to maintain the respondents. Hence, she is not entitled to get maintenance from the petitioner as she only deserted her husband. However, the petitioner is ready to maintain the daughter and praying to reduce some amount as he is earning very meager amount. The order passed by the learned Judge, Family Court, is highly exorbitant. This Court may modify the award in respect of the daughter and set aside the award in respect of the wife.

4. Per contra, the learned counsel for the respondents submitted that the petitioner has owned 5 acres of agricultural land and earning Rs.5 lakhs per annum and he is having Rs.20 lakhs in his bank account. The petitioner is



earning sufficient amount and the respondent is unable to maintain herself and his daughter. Despite having sufficient means, the petitioner is refused to maintain his wife and child. The second respondent is suffering with various ailments and the same has proved before the trial Court. After considering the materials, the learned Judge has awarded the maintenance to the respondents, which is just and reasonable, which cannot be interfered with.

5. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6. It is admitted that the first respondent is the wife of the petitioner and second respondent is their child. The marriage between the petitioner and the first respondent has also admitted. The learned counsel for the respondents submitted that the petitioner is having 5 acres of agricultural land and he is having Rs.20 lakhs in the bank account. Further, the petitioner is earning Rs.5 lakhs per annum from the agriculture, but the respondent has not produced any materials to prove the same. In the absence of any materials, this Court cannot interfere with the impugned order. Further, the petitioner is working as a Mason and earning meager amount and the same has been proved by the petitioner before this Court. Therefore, this

Court granted interim stay during pendency of the revision. However, as a



dutiful husband and father, the revision petitioner is liable to pay the maintenance to the respondents under Section 125 Cr.P.C.

7. In order to strike out the balance between the petitioner and the respondents and considering the cost of living prevailing as on date and also considering the health issues of the second respondent, this Court is inclined to set aside the award passed by the Family court and passed the following orders:

i. the petitioner is directed to pay a sum of Rs.5,000/- per month as maintenance from the date of the petition to each of the respondents on or before 5th day of every English Calender month and pay the entire arrears to the respondents within a period of four weeks from today, less the amount, if any, already deposited; and

ii. The petitioner is further directed to pay a sum of Rs.1,00,000/- per annum to the second respondent for medical expenses without any default.

8. With the above observations and directions, the revision is

<https://www.mhc.tn.gov.in/judis> allowed. If the first respondent has any evidence in respect of the



agricultural lands, she is at liberty to file modification petition before the trial Court and prove the same.

10.07.2024

Index: Yes/No

Speaking Order/Non speaking order

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To

The Family Court, Dharmapuri.



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M.DHANDAPANI,J.

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