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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 03.06.2024

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.808 of 2024  
and Crl.RC.No.960 of 2024  
and Crl.MP.No.7979 of 2024

Crl.RC.No.808 of 2024:

1. Sowmya  
2. Minor Vismaya  
3. Minor Mahatej  
P2 & P3 are rep. By their mother/  
first petitioner

... Petitioners

-Vs-

Madhan

... Respondent

**Prayer:** Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order dated 19.04.2022 made in MC.No.491 of 2019 on the file of the learned III Additional Principal Family Court, Chennai by allowing this Criminal Revision Petition.

For petitioner : Mr.M.Guruprasad

For Respondent : Mr.V.Rajesh

Crl.RC.No.960 of 2024:

Madhan

... Petitioners

-Vs-



1. Sowmya
  2. Minor Vismaya
  3. Minor Mahatej
- R2 & R3 are rep. By their mother/  
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**Prayer:** Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order dated 19.04.2022 made in MC.No.491 of 2019 on the file of the learned III Additional Principal Family Court, Chennai by allowing this Criminal Revision Petition.

For petitioner : Mr.V.Rajesh

For Respondent : Mr.M.Guruprasad

**COMMON ORDER**

Since the issue involved in both the cases are one and the same, the same are disposed of by way of this common order. For the sake of convenience, the parties are referred to as per their relationship.

2. The Criminal Revisions have been filed against the order dated 19.04.2022 made in MC.No.491 of 2019 on the file of the learned III Additional Principal Family Court, Chennai by allowing this Criminal Revision Petition.

3. The case of the petitioner is as follows:

One Sowmya is the wife of one Madhan. The marriage between the



said Sowmya and Madhan was solemnized on 25.02.2008 as per Hindu rites and customs. Out of the wedlock, two children were born to them. Due to the family dispute and misunderstanding, the wife left the matrimonial home along with her children. Thereafter, the husband filed a divorce petition to dissolve their marriage. In the meanwhile, the wife filed a petition for restitution of conjugal rights. During pendency of the cases, the wife filed a maintenance case claiming monthly maintenance of Rs.50,000/- each to the wife and children before the Family Court. After hearing the arguments and on a perusal of the materials, the learned Judge passed a common order and allowed the divorce petition filed by the husband and dismissed the petition for restitution of conjugal rights. The maintenance case was allowed by directing the husband to pay a sum of Rs.25,000/- to the wife and Rs.20,000/- each to the children. Challenging the said order, the wife and husband have filed a separate revision before this Court.

4. The learned counsel appearing on behalf of the wife submitted that after the marriage, the couples started their matrimonial life at Delhi, later on shifted to Switzerland for 18 months and later on to South Africa. The husband is at present earning a sum of Rs.6,00,000/- per month as salary, which is very



high. Without considering the same, the Family Court awarded very meager maintenance to the wife and children. Hence, this court may interfere with the impugned award and enhance the maintenance.

5. The learned counsel for the husband fairly submitted that the wife has left the matrimonial home along with children voluntarily in the year 2015 onwards. On the ground of cruelty, the divorce was granted. Hence, the wife is not entitled to get maintenance from her husband. However, the husband is ready to pay maintenance to the children at Rs.35,000/- each to the children.

6. Heard the learned counsel for the wife and the husband and perused the materials available on record.

7. Considering the fact that when the wife has left the matrimonial home on her own volition and divorce was granted by the Family Court on the ground of cruelty, the wife is not entitled for any maintenance from the husband. Further, the wife has not filed any appeal as against the order of divorce petition. However, the husband has fairly submitted that he is ready and willing to pay a sum of Rs.35,000/- as maintenance to the each of the children.



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8. In view fair submission made by the learned counsel for the respondent, this court passes the following orders;

(i) The maintenance amount awarded to the wife for a sum of Rs.25,000/- is alone set aside;

(ii) the husband is directed to pay a sum of Rs.35,000/- (Rupees Thirty five thousand only) each to the children per month as maintenance on or before 5<sup>th</sup> of every English calender month;

(iii) the husband is directed to pay entire arrears to the petitioners 2 & 3, less the amount if any, already paid; and

(iv) the wife is at liberty to file appeal as against the order of divorce petition, if she wants."

9. With the above modifications, both the criminal revision cases are disposed of. Consequently, connected miscellaneous petition is closed.

**03.06.2024**

**M.DHANDAPANI,J.**



Rli

Index : Yes/No

Speaking Order/Non speaking order

To  
III Additional Principal Family Court, Chennai

Crl.RC.No.808 of 2024  
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