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Crl.RC No.1661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1661 of 2024

and

Crl.M.P.No.13782 of 2024

P.Govindharaji

... Petitioner

Vs.

M.Mohanapriya

... Respondent

PRAYER: Criminal Revision Case filed under Sections 438 of the BNSS, to set aside the impugned order dated 10.06.2024 passed in M.C.No.44 of 2021 on the file of the Family Court, Salem District and set aside the same.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents : Mr.Alvin Manoj Raj

ORDER

The Criminal Revision Case challenges the order of the learned Judge, Family Court, Salem, dated 10.06.2024, awarding maintenance of Rs.3,000/- to the respondent in M.C.No.44 of 2021.

2. The respondent is the wife of the petitioner. The respondent



sought for maintenance of Rs.20,000/- per month and had averred in the

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petition that the petitioner was earning a sum of Rs.70,000/- in a private company.

3. The petitioner filed a counter denying the averments in the petition filed by the respondent and submitted that pursuant to the orders of this Court in Crl.O.P.No.22720 of 2018 dated 08.04.2019, the petitioner is paying a sum of Rs.5,000/- per month; that the respondent is therefore not entitled to additional maintenance as claimed by her; and that the respondent herein is qualified and is capable of securing a job.

4. The learned Judge, Family Court, Salem, after considering the evidence adduced on either side and after taking into consideration the amount of Rs.5,000/- paid every month by the petitioner to the respondents pursuant to the orders of this Court in Crl.O.P.No.22720 of 2018, had directed the petitioner to pay a further sum of Rs.3,000/- per month to the respondent.

5. The learned counsel for the petitioner would submit that the



petitioner is now unemployed and therefore, he would be unable to comply with the directions imposed by the trial Court; that the respondent owns a house; and that therefore, the impugned order is liable to be set aside.

6. The learned counsel for the respondent *per contra* submitted that the petitioner had been paying Rs.5,000/- per month pursuant to the order of this Court dated 08.04.2019 in Crl.O.P.No.22720 of 2019 and the learned Judge vide impugned order has ordered an additional sum of Rs.3000/- per month, after taking into consideration the salary earned by the petitioner; and that therefore, no interference is called for.

7. Heard the learned counsel on either side and perused the record.

8. This Court on perusal of the impugned order finds that the learned Judge has taken into consideration the fact that the petitioner has been paying Rs.5,000/- per month to the respondent, while awarding an additional sum of Rs.3,000/- towards maintenance to the respondent. Therefore, there is no infirmity in the award of the Court.



9. As regards the quantum, the learned Judge has taken into consideration that the petitioner was originally employed in a private company and earning Rs.70,000/-per month and thereafter, doing business by purchasing two cars and letting it on hire and is earning more than Rs.40,000/- per month. Therefore, since the respondent had not established that the petitioner was earning money through other sources, the Court had awarded a sum of Rs.3,000/- per month in addition to the sum of Rs.5,000/-per month awarded by this Court. Thus, this Court finds no infirmity in the quantum fixed by the learned Judge and there is no reason to interfere with the award.

10. Accordingly, the order dated 10.06.2024 passed in M.C.No.44 of 2021 on the file of the learned Judge, Family Court, Salem District, is confirmed. The Criminal Revision Case stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is Closed.

18.12.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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To

The Judge,
Family Court, Salem.



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SUNDER MOHAN, J.

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