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Crl.R.C.No.918 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.918 of 2023
And
Crl.M.P.No.7527 of 2023**

S.Jeyakumar

... Petitioner

Vs.

K.Vijayakumari

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the Fair and Decretal order dated 26.07.2022 made in M.C.No.53 of 2019 on the file of Family Court at Namakkal.

For Petitioner : M/s.T.L.Thirumalaisamy
For Respondent : Mr.S.Balasubramanian

ORDER

The criminal revision case has been filed seeking to set aside the order dated 26.07.2022 passed in M.C.No.53 of 2019 by the Family Court at Namakkal.

2.The case of the petitioner is that the petitioner is the husband



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and the respondent is the wife. Their marriage was solemnized on 21.06.2021. Thereafter there was a matrimonial dispute between them and the respondent filed maintenance case under Section 125 of Cr.P.C. in M.C.No.53 of 2019 before the Family Court at Namakkal claiming a sum of Rs.30,000/- per month as maintenance and the Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.12,000/- per month to the respondent towards maintenance from the date of the petition i.e., 14.10.2019 and to deposit the entire arrears within a period of 30 days and further directed the petitioner to pay a sum of Rs.5,000/- to the respondent towards litigation expenses. Challenging the same, the present revision has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is residing at Rasipuram and the respondent is residing at Kollimalai. At the time of marriage, the petitioner was employed as System Operator and was earning more than Rs.50,000/- per month and due to matrimonial dispute, the petitioner was forced to quit the job. Hence, the impugned order directing the petitioner to pay a sum of Rs.12,000/- per month to the respondent towards maintenance is not sustainable one.



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4.The learned counsel appearing for the respondent submitted that claiming maintenance amount can be adjudicated only in terms of Section 125 of Cr.P.C. and as per Section 125 (4) of Cr.P.C., if the allegation against the respondent is adultery or refused to live with the petitioner without sufficient reasons, then only the Court can modify the maintenance amount, however, in the present case, there is no such allegation as against the respondent and the Court below has directed the petitioner to pay only a sum of Rs.12,000/- per month to the respondent towards maintenance and hence the impugned order warrants no interference.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

6.The facts of the case and the relationship between the parties is not disputed. Though the petitioner claim that he quit the job due to matrimonial dispute, however no records were produced before this Court. Considering the facts and circumstances of the case and the present cost of living, the impugned order warrants no interference. The petitioner is directed to deposit the entire arrears



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amount to the credit of M.C.No.53 of 2019 before the Family Court at Namakkal, less the amount already deposited, if any, within a period of

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four weeks from the date of receipt of a copy of this order and shall continue to pay a sum of Rs.12,000/- per month to the respondent towards maintenance on or before 7th of every succeeding English Calender Month.

7.This revision is dismissed. Consequently, the connected miscellaneous petition is closed.

10.04.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Family Court at Namakkal.

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