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CrI.RC.No.1906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CrI.RC.No.1906 of 2023

and

CrI.MP.No.17762 of 2023

S.Surya Narayanan

...Petitioner

Vs.

K.Ramya

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside judgment dated 29.08.2023 in M.C.No.306/2020 on the file of the Principal Family Court, Chennai, directing to pay Rs.25,000/- per month to the respondent as maintenance from the date of filing of petition and to settle the arrears within 3 months.

For Petitioner : Mr.M.Sivavarthanan

For Respondent : Mr.J.N.Naresh Kumar

ORDER

This Criminal revision case has been filed seeking quashment of the order of the Principal Family Court, Chennai in M.C.No.306 of 2020 dated 29.08.2023. The learned Judge has ordered maintenance of Rs.25,000/- per month to the wife, the respondent herein.

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2. The case of the petitioner is that, the marriage between the petitioner/husband and the respondent/wife was solemnized on 08.09.2017 as per Hindu Rites and Customs. However, due to some difference of opinion, they got separated. Whiles, alleging that the petitioner abused the respondent and failed to maintain her, the respondent filed a maintenance case under Section 125 of Cr.P.C. in MC.No.306 of 2020 on the file of the Principal Judge, Family Court, Chennai, claiming a maintenance amount of Rs.25,000/- per month. After adjudication, the trial Court, vide impugned order awarded a monthly maintenance of Rs.25,000/- as sought for the respondent. Aggrieved by the same, the petitioner has come up with the present revision.

3. Learned counsel for the petitioner submitted that, the trial court based on the Ex.R2, arrived at a conclusion that the monthly income of the petitioner is Rs.46,931/-. However, the actual salary of the petitioner is only Rs.33,000/- and odd and only for a particular month he received an additional sum of Rs.10,000/- towards travel expenditure. While so, directing the petitioner to pay a sum of Rs.25,000/- from his salary as



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monthly maintenance of the respondent is highly excessive and the same was ordered by the trial court without taking into consideration the financial capacity of the petitioner. Further, the respondent is also running a Beauty Parlour and is earning a sum of Rs.15,000/- per month and the same is sufficient to maintain herself. While so, without considering the said facts, the trial court had mechanically awarded the entire monthly maintenance of Rs.25,000/- as sought for by the respondent/wife, which cannot be acceded to. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned counsel appearing for the respondent submitted that, it is the petitioner who refused to maintain the respondent and filed for divorce and despite the genuine efforts made by the respondent /wife for reunion, the petitioner refused to live together. It is the further submission of the learned counsel that, it is the respondent's sister who is running a Beauty Parlour and not the respondent and the respondent has to necessarily be paid with maintenance by the petitioner in order to meet her day to day needs. He further submitted that, the trial court upon careful perusal of the documents placed before it and after taking into consideration



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the above said facts and also the assets and liability and monthly income of the petitioner had passed the present impugned order awarding a monthly maintenance of Rs.25,000/- in favour of the respondent and the same does not require any modification. Accordingly, he prayed for dismissal of this petition.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. A careful perusal of the order passed by the court below reveals that the court below has taken into consideration the documentary evidence as also the deposition of the witnesses examined on either side and had come to the conclusion that only to deny the benefit of maintenance to the respondent, certain acts have been perpetrated by the revision petitioner. When the basis of such a finding is the deposition of the respondent, which has been rightly appreciated by the court below while awarding maintenance, the same does not warrant any interference.



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7. Further, it has to be pointed out that it is the duty of the husband to maintain his wife and the revision petitioner herein is duty bound to maintain his wife and rightly appreciating the above, maintenance has been awarded by considering the means of the revision petitioner. The maintenance awarded is just and reasonable and the same does not require any interference.

8. For the reasons aforesaid, this Criminal Revision Case stands dismissed. Consequently, the connected Miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

The Principal Family Court, Chennai.

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M.DHANDAPANI, J.

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