



Crl.RC.No.883 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2024

CORAM:

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

Crl.RC.No.883 of 2023

and

Crl.MP.No.7070 of 2023

E.Kishore Kumar

...Petitioner

Vs.

1. K.Saranya

2. Heerasri

Minor Rep. by mother K.Saranya

...Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to call for the order and records in M.C.No.473 of 2017 and revise the order passed by the V Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr.P.Sidharthan

For Respondents : Notice not ready



ORDER

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This Criminal revision petition has been filed to set aside the order of the V Additional Principal Judge, Family Court, Chennai dated 12.11.2019 passed in M.C.No.473 of 2017. The learned Judge has ordered maintenance of Rs.15,000/- per month to the 1st respondent and Rs.5,000/- per month to the 2nd respondent.

2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that, the marriage between the petitioner/husband and the 1st respondent/wife was solemnized on 09.02.2015 and out of their wedlock, they were blessed with a daughter, the 2nd respondent herein on 03.11.2015. However, due to some difference of opinion, the petitioner and the 1st respondent got separated and the 2nd respondent/daughter is under the care of the 1st respondent/wife. Thereafter, the respondents filed a maintenance case under Section 125 of Cr.P.C. in MC.No.473 of 2017 on the file of the V Additional Principal Judge, Family



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Court, Chennai, claiming maintenance amount of Rs.50,000/- per month in favour of the 1st respondent and Rs.20,000/- per month in favour of the 2nd respondent. After adjudication, the trial Court awarded a sum of Rs.15,000/- per month to the 1st respondent/wife and Rs.5,000/- per month to the 2nd respondent/daughter. Aggrieved with the said order, the petitioner/husband has filed the present revision.

4. Learned counsel for the petitioner submitted the maintenance awarded by the trial court in favour of the respective respondents is highly excessive and the same was ordered by the trial court without taking into consideration the financial capacity of the petitioner. Further, though the petitioner was initially working in the IT field, however, due to various problems created by the relatives of the 1st respondent/wife, he was forced to quit his high paying IT job and he was currently earning only a sum of Rs.15,000/- per month. Whiles, directing the petitioner to pay his entire salary as maintenance to the respondents is wholly unsustainable. Accordingly, he prayed for appropriate orders.



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5. There is no dispute about the marriage between the petitioner and the 1st respondent. The 1st respondent is the wife and the 2nd respondent is the daughter of the petitioner. It is to be pointed out that it is the duty of the husband to maintain his wife and child and the comforts, which were available to the spouse and child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and child.

6. In the case on hand, though the petitioner claims his salary to be only Rs.15,000/-, when the same is disputed by the respondents, the petitioner had failed to produce necessary evidence to substantiate his claim. In such circumstances, this Court is of the view that, by considering all the oral and documentary evidences, the trial court has awarded just and reasonable maintenance amount in favour of the respective respondents, which cannot be interfered with.



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7. Accordingly, this Criminal Revision Case stands dismissed and the order made in M.C.No.473 of 2017 dated 12.11.2019 by the V Additional Principal Judge, Family Court, Chennai is confirmed. Consequently, the connected miscellaneous petition is closed.

04.04.2024

skt

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

To

1. The V Additional Principal Judge, Family Court, Chennai.
2. The Public Prosecutor
High Court, Madras.

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M.DHANDAPANI, J.

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