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Crl.R.C.No.2051 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2024

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

Crl.R.C.No.2051 of 2023
and
Crl.M.P.No.18912 of 2023

Sureshbabu

...Petitioner

Vs.

1.B.Yamini

2.Master S.Sharan Sai

...Respondents

(The 2nd respondent is represented by his mother and Natural Guardian, the 1st respondent)

PRAYER: Criminal Revision case filed under Section 397 r/w Section 401 of Code of Criminal Procedure to set aside the order dated 06.11.2023 made in M.C.No.39 of 2022 on the file of the learned Family Judge at Thiruvallur District.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.M.Jai Kumar

ORDER



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2. It is the case of the petitioner that the marriage of the petitioner / husband and the first respondent / wife was solemnized on 11.06.2014. Due to some misunderstanding, the petitioner filed a petition seeking divorce in H.M.O.P.No.90 of 2019 and the first respondent filed a petition seeking restitution of conjugal rights both the cases were transferred to Sub Court, Thiruttani and the divorce petition was allowed. The first respondent has preferred an appeal before the Principal District Court, Thiruvallur, however, the same is still pending. Thereafter, the first respondent has filed the a maintenance case in M.C.No.39 of 2022 before the Family Court, Thiruvallur seeking a sum of Rs.30,000/- as monthly maintenance to the second respondent. After adjudication, the trial Court has passed an order dated 06.11.2023 directing the petitioner to pay a sum of Rs.25,000/- per month as maintenance to the second respondent. Challenging the same, the



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petitioner is in this Criminal Revision Petition.

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3. Learned counsel for the petitioner submits that the first respondent is earning a sum of Rs.60,000/- per month and that she is capable to maintain herself and the child. Hence, the petitioner is not liable to pay the maintenance to the respondents 1 and 2. However, without considering the same, the trial Court awarded a sum of Rs.30,000/- per month to be payable by the petitioner to the second respondent as the maintenance amount of the second respondent which is not sustainable. Accordingly, he prayed for allowing this petition.

4. Learned counsel for the respondents submits that upon perusing the oral and documentary evidence the trial court has directed the petitioner to pay interim maintenance of a sum of Rs.25,000/- to the second respondent which is just and reasonable and the same does not require any interference of this Court.

5. Heard the learned counsel appearing for the petitioner and the



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respondents and perused the materials placed on record.

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6. There is no dispute about the marriage between the petitioner and his wife. The second respondent is son of the first respondent. It is to be pointed out that it is the duty of the husband to maintain his wife and children and the comforts, which were available to the spouse and the children 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 children. As the wife of the petitioner earns a sum of Rs.60,000/- per month, which is also evidenced from the affidavit of the assets and liabilities before the trial Court, this Court is of the view that awarding a sum of Rs.25,000/- as monthly maintenance per month only to the second respondent to be payable by the petitioner would be just and reasonable.

7. Accordingly, the award dated 06.11.2023 passed by the trial Court in M.C.No.39 of 2022 is modified in the following terms:

(i) The petitioner is directed to pay the arrears of the maintenance



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amount at the rate of 25,000/- per month to the second respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

(ii) The petitioner shall continue to pay the modified maintenance amount fixed by this Court on or before 5th of every English Calendar month.

8. With the above direction, this Criminal Revision petition is disposed of. Consequently, connected miscellaneous petition is closed.

05.04.2024

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

To

The Family Court,
Thiruvallur

M.DHANDAPANI, J.

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