

Crl.R.C.(MD).No.597 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.597 of 2023

and

Crl.M.P.(MD)Nos.8621 & 15998 of 2023

T.S.Samdhas

... Petitioner

Vs

1. P.S.Philomina Angelin

2. Minor.S.P Godson Beniel
(Represented through his next friend and
mother Mrs.Philominal Angelin)

... Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order dated 12.09.2022 passed in M.C.No.75 of 2020 on the file of learned Family Court,Thoothukudi and set aside the same.

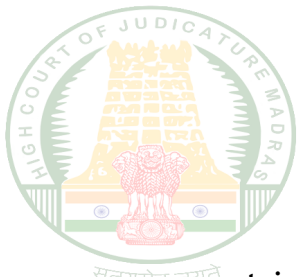
For Petitioner : Mr.Susi Kumar.C

For Respondents : Mr.T.Chandra Sekaran

ORDER

The petitioner has filed this petition against the impugned maintenance award dated 12.09.2022 passed in M.C.No.75 of 2020, granted by the learned Judge, Family Court, Thoothukudi, wherein, the Court below directed to pay monthly maintenance of Rs.17,000/- to the respondents ie., his wife and his son.

2.The marriage between the petitioner and the first respondent was solemnized on 17.01.2000 and two children were born during their wedlock. Due to



Crl.R.C.(MD).No.597 of 2023

WEB COPY

some matrimonial discord, they are living separately. The respondents filed a petition in IDOP.No.38 of 2002 and they compromised and joined. Subsequently, again some problem cropped up and they got separated and he filed a petition in I.D.O.P.No.25 of 2007 and the same was dismissed. Challenging the same, the petitioner/husband had filed CMA and the same is pending before this Court. Pending the above proceedings, the respondents filed a petition M.C.No.75 of 2020 claiming maintenance amount of Rs.40,000/- to the first respondent and Rs.20,000/- to the second respondent.

3.The first respondent examined herself as P.W.1 and marked Ex.P.1 to P.11. The petitioner examined himself as R.W.1 and marked Ex.R.1 to Ex.R.20.

3.The learned trial Judge after considering the evidence available on record and also considering the fact that the petitioner/husband had remarried, granted maintenance amount of Rs.10,000/- to first respondent and Rs.7,000/- to the second respondent. Aggrieved over the same, the petitioner herein has filed this petition.

4.The learned Counsel for the petitioner/husband submits that during the pendency of the above proceedings, the first respondent/wife lodged a complaint to his higher officials. The higher officials initiated departmental proceedings against the petitioner and terminated him from the service. Apart from that, the first



Crl.R.C.(MD).No.597 of 2023

respondent is also working. However, the same was not considered by the trial Court.

WEB COPY

5.The learned Counsel for the respondents submitted that the petitioner/husband has not produced any evidence to prove the wife's income. He further submitted that termination of service is not a ground to disown his liability. Hence, he seeks confirmation of the order passed by the trial Court.

6.This Court considered the rival submissions made and perused the records.

7.As on date, there was no dispute relating to the second respondent and another son. The first respondent claims maintenance only for the minor child and for herself. The petitioner was working as an Assistant Engineer (AE) only upto the date 08.02.2022, subsequently, he was terminated from service on the basis of the complaint given by the first respondent.

8.Considering the circumstance that initially the petitioner filed a petition for restitution of conjugal rights before the Court below and thereafter, he had filed a divorce petition and subsequently he got remarried and he was terminated from service on the basis of the complaint given by the first respondent, this Court is inclined to reduce the maintenance amount from Rs.10,000/- to Rs.8,000/- to the first respondent. The maintenance amount of Rs.7,000/- granted to the minor child is confirmed.



Crl.R.C.(MD).No.597 of 2023

WEB COPY

terms:

(i)The award of maintenance amount granted by the larned Judge, Family Court, Thoothukudi, in M.C.No.75 of 2020 dated 12.09.2022, in favour of the first respondent is hereby reduced from 10,000/- to (*)Rs.8,000/-.

(ii)The award of maintenance amount granted by the larned Judge, Family Court, Thoothukudi, in M.C.No.75 of 2020 dated 12.09.2022, in favour fo the second respondnet is hereby confirmed.

(iii)The petitioner is hereby directed to deposit the arrears of maintenance amount within a period of two months from the date of receipt of a copy of this order.

Consequently, connected miscellaneous petitions are closed.

Sd/-

13/06/2024

(*)Amended as per order of this Court dated 27/06/2025 made in CRL RC(MD)No.597 of 2023

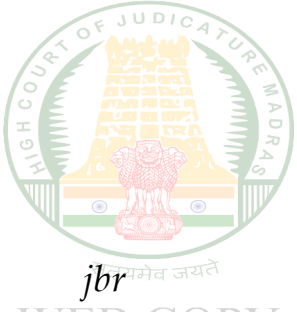
Sd/-

Assistant Registrar ()

// True Copy //

/07/2025

Sub Assistant Registrar(CS)



Crl.R.C.(MD).No.597 of 2023

WEB COPY

To

(*)To be substituted the order which already despatched on 19/06/2025

1. The Judge,
The Family Court,
Thoothukudi.
2. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.CHANDRA SEKARAN, Advocate (SR-27553[F]
dated 14/06/2024)

Crl.R.C(MD). No.597 of 2023
13.06.2024

BV (16/05/2025) 5P/5C

MGJ(01/07/2025) 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023