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Crl.R.C.No.379 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 379 of 2024

and

Crl.M.P.No.3456 of 2024

Balaji Dev

... Petitioner

..VS..

1. R.Yaamini
2. Minor M.B.Neerja
Rep.by mother 1st petitioner
R.Yaamini

... Respondents

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 13.06.2023 in M.C.No.162 of 2018 on the file of the Additional Principal Family Judge, Coimbatore in respect of the part of the order directing the petitioner to pay maintenance to the 1st respondent.

For Petitioner : Mr.B.Ravi

For Respondents : No appearance



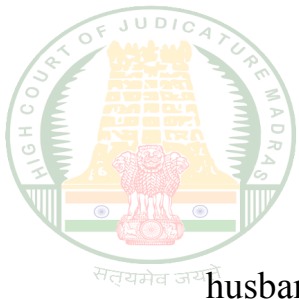
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ORDER

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This Criminal Revision Petition has been preferred against the order dated 13.06.2023 in M.C.No.162 of 2018 on the file of the Additional Principal Family Court, Coimbatore.

2. It is seen that the petitioner is the husband, the first respondent is wife and second respondent is their minor daughter. The respondents herein filed a maintenance case under Section 125(1)(a)(b) of Cr.P.C., in M.C.No.162 of 2018 on the file of the Additional Principal Family Court, Coimbatore seeking a sum of Rs.50,000/- per month as maintenance to the respondents. The learned Judge, after hearing the submissions of both sides, *vide* order dated 13.06.2023, allowed the petition and directed the husband to pay a sum of Rs.10,000/- per month to the respondents herein as maintenance from the date of filing of the petition till the date of order in the maintenance case and also directed the petitioner-husband to pay a sum of Rs.20,000/- per month as maintenance to the first respondent-wife and a sum of Rs.7,500/- per month as maintenance to the second respondent-minor daughter and also directed the petitioner-



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husband to pay a sum of Rs.1,00,000/-, towards the educational and extracurricular activities expenses of the second respondent-minor daughter for every year from the academic year 2023-2024 onwards. Aggrieved by the same, the present revision petition is filed by the petitioner – husband.

3. Learned counsel appearing for the petitioner submitted that first respondent-wife has deserted the petitioner-husband without any valid reason and left the matrimonial home on her own volition. He further submitted that the first respondent is a working woman and getting a sum of Rs.23,000/- per month. However, the learned Judge failed to take note of the employment and earning capacity of the first respondent-wife, and ordered a sum of Rs.20,000/- per month as maintenance to the first respondent-wife, which is against the principles of natural justice.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Despite service of notice on the respondent, there is no appearance either in person or through counsel.

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6. On a perusal of the entire materials, it is seen that the petitioner-husband is working in I.T.Sector and earning more than a sum of Rs.1,00,000/- per month. It is not in dispute that the second respondent is a minor child, aged about 10 years and she is under the care and custody of the first respondent-wife. The Court below ordered a sum of Rs.20,000/- per month as maintenance to the first respondent-wife and Rs.7,500/- to the second respondent-minor daughter.

7. Considering the facts and circumstances and also taking note of the employment and earning capacity of the first respondent-wife, this Court is of view that the order of the Court below is modified to the effect that the first respondent-wife is entitled for a sum of Rs.7,500/- per month as maintenance and insofar as the second respondent-minor daughter, is concerned, she is entitled for a sum of Rs.20,000/- per month as maintenance. The petitioner-husband is directed to pay the above modified amount as maintenance to the respondents.

8. In other respects, the order of the Court below is confirmed.



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9. With the above modification, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

25.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
ms

To
The Additional Principal Judge,
Additional Principal Family Court,
Coimbatore.



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P.VELMURUGAN, J.

ms

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