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Crl.RC.No.561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.561 of 2024

K.Purushothaman

... Petitioner

Vs.

Suseela

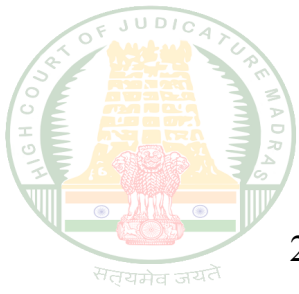
... Respondent

Prayer: Criminal Revision Case filed under under Section 397 & 401 of Cr.P.C. to set aside the order dated 22.03.2019 in M.C.No.570 of 2010 on the file of the V Additional Family Court, Chennai.

For Petitioner	: Mr.J.William Shakesphere
For Respondent	: Not ready in notice

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 22.03.2019 in M.C.No.570 of 2010 on the file of the V Additional Family Court, Chennai.

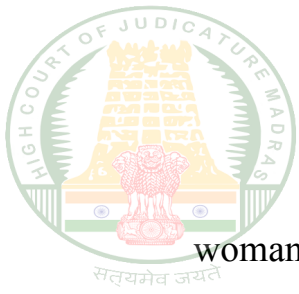


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2. The respondent who is the wife of the petitioner, along with the minor

child filed a maintenance case in M.C.No.570 of 2010 on the file of the V Additional Family Court, Chennai. The learned Judge, Family Court, after enquiry, ordered maintenance of Rs.1,500/- per month to the respondent/wife and Rs.2,000/- per month to the minor child. Aggrieved by the order of maintenance, the petitioner/husband has filed the present revision.

3. The learned counsel for the petitioner submitted that though the petitioner is working as a driver and earning Rs.15,000/-, earlier, the petitioner filed a petition for divorce in which ex-parte order was passed. Subsequently, the same was set aside. Once again the respondent allowed the Court to pass ex-parte order and subsequent to the ex-parte order, the petitioner got second marriage and also begotten a child and that the petitioner has to take care of them besides his age old parents. Further, the respondent left the matrimonial home without any valid reason and therefore, she is not entitled to maintenance. The respondent/wife is a hale and healthy person and she is a



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woman of means and therefore, she can maintain herself. However, the Family

Court failed to consider the same and passed the order of maintenance which is liable to be set aside.

4. The matter is pending for more than one year without even service of notice. However, since the case is arising out of maintenance case filed by the wife along with the infant child in the year 2010, considering the scope and object of the Section 125 Cr.P.C. and the pathetic situation of the respondent/wife and child, this Court is inclined to dispose of this case by perusing the records.

5. It is admitted that the petitioner is working as a driver. Though the admitted income of the petitioner is Rs.15,000/-, as on date, as a driver, the petitioner could definitely earn Rs.50,000/-, but the petitioner has not filed any affidavit of assets and liability statement and also not filed any income proof. Further, the petitioner has not established that the respondent/wife is a woman of means and she is able to maintain herself and the minor child. The



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maintenance case was filed by the respondent/wife in they year 2010 while her

child was infant and now the child must be 13 to 14 years old. Therefore, the order of maintenance of Rs.3,500/- to the wife and child is very meagre while considering the cost of living prevailing as on date and it is difficult to maintain two members with the said maintenance amount.

6. Under these circumstances, this Court does not find any reason to interfere with the order of maintenance passed by the Judge, Family Court.

7. Accordingly, this Criminal Revision Case is dismissed.

25.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The V Additional Family Court,
Chennai.



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P.VELMURUGAN. J.

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