



WEB COPY



Crl.RC.No.540 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.540 of 2025 and

Crl.M.P.No.7940 of 2025

B.Uma Shankar

... Petitioner

Vs.

G.Kalpana

... Respondent

Prayer: Criminal Revision Case filed under Section 438 and 442 of Bhartiya Nagrik Suraksha Sanhita, 2023 to call for the records in M.C.No.362 of 2015 on the file of III Additional Principal Family Court at Chennai order dated 23.07.2024 and set aside the same.

For Petitioner : Mr.J.Prajoy

For Respondent : M/s.E.Maragatha Sundari



Crl.RC.No.540 of 2025

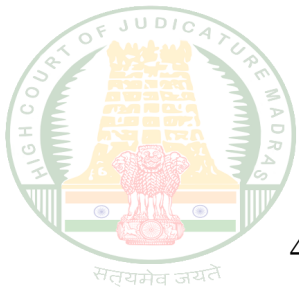
ORDER

WEB COPY

This Criminal Revision Petition has been filed by the petitioner to set aside the order passed in M.C.No.362 of 2015 dated 23.07.2024 on the file of IIIrd Additional Principal Family Court, Chennai.

2. The petitioner and the respondent are husband and wife.

3. The case of the petitioner is that the respondent/wife filed a maintenance case against the petitioner/husband before the IIIrd Additional Principal Family Court, Chennai in M.C.No.362 of 2015 seeking monthly maintenance of Rs.25,000/-. The learned Judge, Family Court, after enquiry partly allowed the petition and ordered maintenance of Rs.7,500/- towards part of maintenance from the date of filing of the petition till December 2022 and Rs.10,000/- from January 2023 onwards. Apart from that, a sum of Rs.10,000/- was ordered to be paid towards litigation expenses as one time payment. Aggrieved by the order of maintenance, the petitioner/husband has filed the present revision.

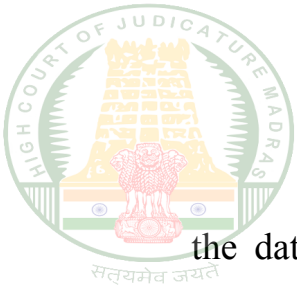


Crl.RC.No.540 of 2025

WEB COPY

4. The learned counsel for the petitioner submitted that the respondent was not a responsible wife and she left the matrimonial home without any valid reason. Further, though the petition filed by the petitioner for divorce, the same was dismissed. However, the respondent had not taken any steps to live with the petitioner and not co-operating to lead the matrimonial life. Therefore, the respondent is not entitled to any maintenance.

5. The learned counsel for the respondent submitted that the petitioner only driven the respondent out from the matrimonial home and that they hardly lived together only for 7 days. Further, the petitioner filed OP for divorce and the same was dismissed against which, the petitioner filed CMA before this Court and the same was also dismissed against which, he also filed SLP before the Hon'ble Supreme Court and the same was also dismissed. The learned counsel further submitted that the petitioner is working a Superintendent in Kendriya Vidyalaya and earning more than Rs.50,000/- and the learned Judge, Family Court, considering the same ordered maintenance of Rs.7,500/- from



Crl.RC.No.540 of 2025

the date of filing of the petition till December 2022 and Rs.10,000/- from

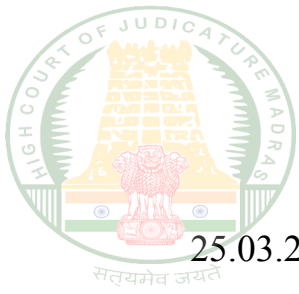
WEB COPY

January 2023 which is reasonable. Therefore, there is no merits in this revision.

He further submitted that since the petitioner had not paid the arrears, the respondent filed a petition for execution before the Family Court and the same is pending.

6. Heard both sides and perused the materials available on record.

7. A perusal of the records shows that the marriage between the petitioner and the respondent took place on 29.08.1993. The relationship of the parties is not in dispute. Both the petitioner and the respondent are living separately and the same is also not in dispute. The petitioner filed a petition for divorce in F.C.O.P. No.2 of 1995 and the same came to be dismissed by order dated 03.01.2000. Challenging the same, the petitioner filed an appeal in C.M.A. N.1332 of 2000 before the Division Bench of this Court and the same was dismissed by judgment dated 22.03.2007. Thereafter, the petitioner filed a SLP vide appeal No.15060 of 2007 and the same was dismissed on

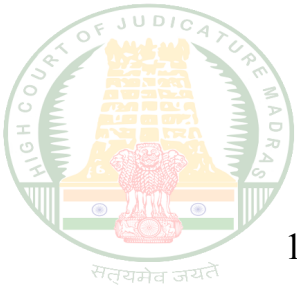


Crl.RC.No.540 of 2025

25.03.2009. Once again the petitioner filed a petition for divorce on the ground of desertion in O.P.No.2200 of 2021 and the same was dismissed for default on 20.02.2023.

8. The Family Court has ordered maintenance of Rs.7,500/- from the date of filing of the petition till December 2022 and Rs.10,000/- from January 2023 which is reasonable. As on date, the respondent is living separately. The respondent has proved that the petitioner is a man of means, whereas, the petitioner has not established that the respondent is a woman of means and she is able to maintain herself. In the absence of the same and considering the cost of living and price index raising day by day, this Court finds no perversity in the order passed by the Judge, Family Court and there is no merits in the revision.

9. Accordingly, this Criminal Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.



Crl.RC.No.540 of 2025

10. The petitioner is directed to pay the arrears of maintenance within a period of two months failing which, the Family Court is directed to issue warrant to the petitioner and ensure that the arrears amount is paid to the respondent.

17.04.2025

(2/2)

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



Crl.RC.No.540 of 2025

To
The IIIrd Additional Principal Family Court,
Chennai.

WEB COPY



WEB COPY



Crl.RC.No.540 of 2025

P.VELMURUGAN. J.

Ksa-2

Crl.RC.No.540 of 2025

17.04.2025

(2/2)