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CRL RC No. 1747 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 1747 of 2024

and

CRL MP No.14357 of 2024

1. MUNUSAMY

S/o.Govindaswamy,

Residing At No.5/4, Chettiyar Thoppu

Palamathi Road Sasthri Nagar,

Bagayam, Vellore

Petitioner(s)

Vs

1. G.Manimegalai

W/o.G.Muniswamy, Residing At

No.28/53, Arasamara Street, Ammur

Post, Vellore District.

2.Minor Niranjani

Minor Rep By Her Mother Guardian

G.Manimegali, Residing At 28/53

Arasamara Street, Ammur Post,

Vellore District.

Respondent(s)



PRAYER: This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS, to set aside the order passed in FCMC.No.86 of 2018 dated 29.11.2022 on the file of Family Court, Vellore, Vellore District.

For Petitioner(s): Mr.B.Hemanth for
M/s.M.P.Jayaprakash

For Respondent(s): Not ready in notice

ORDER

The petitioner has filed this criminal revision petition challenging the order dated 29.11.2022 passed in FCMC No.86 of 2018 by the learned Judge, Family Court , Vellore.

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

3. The petitioner and the first respondent are husband and wife respectively. Second respondent is the minor daughter of both the petitioner



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and the first respondent. The respondents filed the maintenance petition under

Section 125 Cr.P.C., in FCMC NO.86 of 2018 on the file of the Family Court,

Vellore, seeking monthly maintenance. The learned Judge, Family Court,

Vellore, after enquiry, passed the order of maintenance, by directing the

petitioner/husband to pay a sum of Rs.3,000/- per month to the first

respondent/wife and a sum of Rs.2,000/- per month to the second

respondent/minor daughter as maintenance. Aggrieved by the same, the

petitioner/husband has filed this Criminal Revision Petition.

4. The relationship between the parties is not in dispute. The paternity of the second respondent/child is also not in dispute. Both the parties are residing separately is also not in dispute. The respondents herein have filed the maintenance case stating that they were deserted by the petitioner and they are unable to maintain themselves, whereas, the petitioner is running a dry cleaning shop and he is able to earn sum of Rs.35,000/- per month and also he is doing real estate business and through the same, he is also earning Rs.30,000/- per month. However, the petitioner/husband has stated that the first respondent



is working as Home Guard and she is earning sum of Rs.15,000/- per month.

Though Ex.R8 shows that the first respondent/wife is working as Home Guard, no material has been produced to show that she is earning Rs.15,000/- per month. Further, the petitioner has not filed any affidavit of assets and liabilities statement.

5. Considering the facts and circumstances of the case, the Family court ordered only Rs.3,000/- to the first respondent and Rs.2,000/- to the second respondent as maintenance. The first respondent being a woman, has to maintain herself and also her daughter. Therefore, order of total maintenance amount of Rs.5,000/- is not exorbitant. Assuming that the first respondent/wife is working as Home Guard, the salary would not be sufficient for maintaining herself and her daughter. The petitioner is liable to maintain the respondents. Considering the rise in price index day-by-day and also the cost of living, the award of maintenance passed by the Family Court is very reasonable. This Court does not find any merit in the revision petition and the same is liable to be dismissed.



6. For the reasons stated supra, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Family Court, Vellore.



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P.VELMURUGAN J

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