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Crl.R.C.No.266 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.266 of 2025

and

Crl.M.P.No.2320 of 2025

A.Satheesh

... Petitioner

..VS..

R.Masilamani

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 of BNSS, 2023 to set aside the order made in C.M.P.No.39 of 2024 in M.C.No.202 of 2023 dated 07.08.2024 on the file of the learned Additional Principal Judge, Additional Family Court, Coimbatore.

For Petitioner : Mr.P.Narayana Prasadh

ORDER

Since no adverse order is going to be passed by this Court, this revision petition is taken up today for final disposal at the admission stage itself, without issuing notice to the respondent.



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2. Challenging the order dated 07.08.2024 passed by the learned Additional Principal Judge, Additional Family Court, Coimbatore in C.M.P.No.39 of 2024 in M.C.No.202 of 2023, the present revision is filed by the husband.

3. The marriage between the petitioner and the respondent was solemnized on 16.03.2022. Due to difference of opinion, they have got separated. The petitioner-husband filed H.M.O.P.No.1270 of 2023 before the Additional Family Court, Coimbatore for divorce on the ground for cruelty. Pending petition to dissolve the marriage, the respondent-wife filed maintenance case in M.C.No.202 of 2023 against the petitioner-husband seeking maintenance of Rs.25,000/- per month. Subsequently, the respondent-wife filed a petition in C.M.P.No.39 of 2024 in M.C.No.202 of 2023 seeking interim maintenance of Rs.25,000/- per month to her, which was allowed by the Family Court and the petitioner-husband was directed to pay interim maintenance for a sum of Rs.5,000/- per month to the respondent-wife from the date of filing of the petition



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till the disposal of main maintenance case in M.C.No.202 of 2023 and the petitioner-husband was also directed to pay a sum of Rs.10,000/- towards litigation expenses and the Family Court also observed that the petitioner-husband has to settle the arrears of maintenance within two months and to pay the monthly interim maintenance on or before 5th of every English calendar month. Challenging the said order, the present revision petition is filed by the husband.

4. The learned counsel for the petitioner submitted that the petitioner-husband is working as a part-time driver in Mahesware Car Centre, Saravanampatty, Coimbatore and is earning a sum of Rs.10,000/- per month. Further, the petitioner has to maintain his age old parents and also to meet out the medical expenses of his father, who is taking treatment for lung disease. Hence, the petitioner is not in a position to pay a sum of Rs.5,000/- per month to the respondent-wife as interim maintenance.

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



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6. On a perusal of the entire materials, particularly, the statement of assets and liabilities of the petitioner-husband and his salary certificate, it is seen that the petitioner is drawing salary of Rs.10,000/- per month. Being a driver, getting a sum of Rs.10,000/- is not considerable, as he is working in an unorganized sector and it is very difficult to prove his income. However, the petitioner-husband is hale and healthy man and also a driver by profession and has to maintain his wife.

7. It is well settled that the husband is duty bound to maintain his dependants, regardless of his job and income. The petitioner-husband is a driver by profession and is able to pay maintenance to the respondent, who is none other than his wife and it is also his responsibility and moral duty to take care of his wife by paying the maintenance.

8. Considering the facts and circumstances and also considering the costs of living as on date, a sum of Rs.5,000/- per month as interim maintenance to the respondent-wife awarded by the trial Court is



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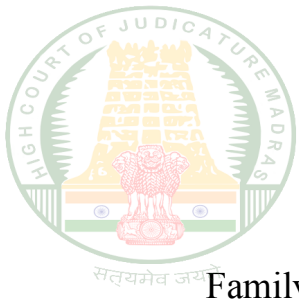
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reasonable and this Court does not find any reason to interfere with the impugned order of the Court below. Further, no revision is maintainable against the interlocutory order and hence, this revision petition is liable to be dismissed.

9. The petitioner-husband is directed to comply with the order dated 07.08.2024 passed by the learned Additional Principal Judge, Additional Family Court, Coimbatore in C.M.P.No.39 of 2024 in M.C.No.202 of 2023, till the disposal of the maintenance case.

10. It is seen that the main maintenance case in M.C.No.202 of 2023 filed by the respondent-wife is pending, which will have to be decided within a short span of time, since it is only a summary procedure. Further, the object and scope of Section 125 Cr.P.C. itself is that the maintenance case has to be summarily decided, within a possible short span of time.

11. Therefore, the learned Additional Principal Judge, Additional



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Family Court, Coimbatore, is directed to dispose of the main maintenance case in M.C.No.202 of 2023, within a period of three months from the date of receipt of a copy of this order.

12. Both the parties are directed to extend their fullest co-operation for deciding the main maintenance case itself.

13. With the above observations and directions, the criminal revision petition is disposed of. Consequently, connected miscellaneous petition is closed.

13.02.2025

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

To

The Additional Principal Judge,
Additional Family Court,
Coimbatore.

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P.VELMURUGAN, J.

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