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Crl.R.C.No.434 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. 434 of 2024

1. Shalini
2. Minor Saasika
Represented by her mother Mrs.Shalini ... Petitioners

..vs..
P.Vijayakumar ... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 30.11.2022 passed in M.C.No.21 of 2020 on the file of the Family Court, Namakkal.

For Petitioners : Ms.S.Lavanya
For Respondent : No appearance

ORDER

Challenging the order dated 30.11.2022 passed in M.C.No.21 of 2020 on the file of the Family Court, Namakkal, the present revision petition has been filed by the petitioners, who are wife and minor child.

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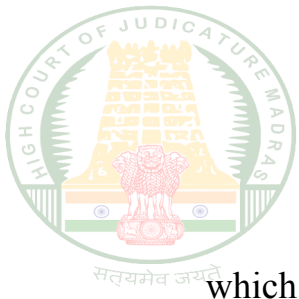


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2. It is seen that the first petitioner is wife, respondent is husband and the second petitioner is their minor daughter. The petitioners herein filed maintenance case in M.C.No.21 of 2020 seeking maintenance of Rs.20,000/- to the first petitioner-wife and Rs.20,000/- to the second petitioner-minor daughter. The learned District Judge, after hearing both the parties, *vide* order dated 30.11.2022, directed the respondent-husband to pay a sum of Rs.3,000/- per month to the second petitioner-minor daughter and dismissed the petition as against the first petitioner-wife, since the first petitioner is employed as Village Administrative Officer and having independent source of income. Aggrieved by the said order, the present revision petition is filed by the petitioners.

3. Learned counsel for the petitioners submitted that the respondent-husband was working in Singapore from 2006 to 2018 and after earning there, he returned back to his native place and invested the money in financial business and other properties and he is also having 2 ½ acres of land in his name and earning Rs.80,000/- per month through the same. The first petitioner also produced the Affidavit of Assets and Liabilities statement of the first petitioner and the respondent,



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which are marked as Ex.P8 and Ex.P9. In the Statement of Assets and Liabilities, she had given the details of land in the name of the respondent. She further submitted that the respondent participated in the trial, but had not questioned the Statement of Assets and Liabilities produced by the first petitioner and also he had not produced any document to prove his income and he has deliberately suppressed his income. The first petitioner is working as Village Administrative and getting more than a sum of Rs.20,000/- per month, which is not sufficient to maintain herself and her child. She further submitted that the Court below directed the respondent-husband to pay a sum of Rs.3,000/- as maintenance to the second petitioner, who is minor daughter. However, the second petitioner is studying 9th standard and her educational and other expenses work out to Rs.30,000/- per month. As a father of the minor daughter, he is duty bound to share 50% of her educational expenses which is around Rs.15,000/-. Hence, the maintenance ordered by the Court below is very meagre and the same may be enhanced by this Court.



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

5. There is no representation for the respondent-husband.

6. The marital status of the parties and the paternity of the child are not in dispute. It is also not in dispute that the second petitioner - minor daughter is now under the care and custody of the first petitioner-wife. According to the petitioners, the only dispute is that the respondent-husband is well in his position and having sufficient income and the respondent had paid a sum of Rs.3,000/- as maintenance to the second petitioner, which is very meagre and the same may be enhanced.

7. On a perusal of the entire records, it is seen that the first petitioner-wife is working as Village Administrative Officer and earning sufficient income to maintain herself. As the first petitioner-wife is a woman of means, she is not entitled to get maintenance as per Section 125 Cr.P.C., and the Court below has rightly dismissed the petition as against the first petitioner and this Court does not find any reason to interfere with the impugned order passed by the Court below, insofar as



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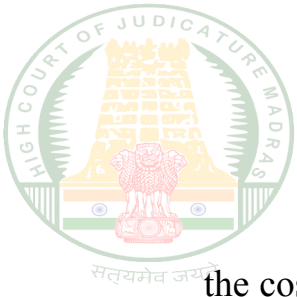
the first petitioner-wife is concerned.

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8. As far as second petitioner-minor daughter is concerned, the Court below ordered only a sum of Rs.3,000/- per month as maintenance. The second petitioner is studying 9th standard and considering the educational and other expenses, this Court finds that a sum of Rs.3,000/- ordered by the Court below is very meagre and the same may be enhanced.

9. During cross examination, the respondent-husband himself admitted that while he was working in Singapore from 2006 to 2018, he was earning a sum of Rs.25,000/- to Rs.30,000/- per month. According to the first petitioner-wife, the respondent-husband is earning a sum of Rs.60,000/- to Rs.80,000/- per month while he was working in Singapore. Further, the documents produced by the first petitioner before the Court below shows that the respondent is having some agricultural lands and also getting income from yielding of the said lands. However, the respondent has not produced any documentary evidence to show his exact income.

10. Considering the facts and circumstances and also considering



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the cost of living as on date and price index, this Court is of the view that the maintenance as awarded by the Family Court in favour of the second petitioner-minor daughter i.e., Rs.3,000/- per month is very meagre and hence, the same has to be enhanced from Rs.3,000/- to Rs.10,000/- per month. Therefore, the respondent-husband is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) per month as maintenance to the second petitioner-minor daughter from the date of filing of the maintenance case to till she gets marriage. The respondent is also directed to pay the said maintenance amount on or before 5th of every English Calendar Month. The respondent-husband is also directed to pay the entire arrear amounts, if any within a period of one month from the date of receipt of a copy of this order.

11. With the above modification, this Criminal Revision Petition is partly allowed.

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Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To
The District Judge,
Family Court,
Namakkal.



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P.VELMURUGAN, J.

ms

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