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Crl.RC.No.560 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.560 of 2024 and

Crl.M.P.No.5186 of 2024

M.Arun Prakash

... Petitioner

Vs.

1. K.Subiksha

2. Minor A.Srinika

(Petitioner No.2 is represented

by their natural guardian/mother K.Subiksha)

... Respondent

Prayer: Criminal Revision Case filed under under Section 397 & 401 of Cr.P.C. to call for the records pertaining to the order passed by the learned Family Judge, Chengalpattu, in F.C.M.C. No.32 of 2021 dated 07.02.2024 and set aside the same.

For Petitioner : Mr.E.Tamizharasan

For Respondents : No Appearance



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ORDER

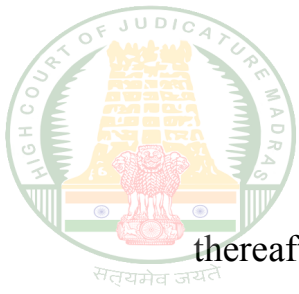
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This Criminal Revision Case has been filed by the petitioner to set aside the order passed by the learned Family Judge, Chengalpattu, in F.C.M.C. No.32 of 2021 dated 07.02.2024.

2. The respondents are wife and daughter of the petitioner herein. Despite the names of the respondents are printed in the cause list, there is no representation for the respondents.

3. The case of the petitioner is that the respondents filed a maintenance case against the petitioner in in F.C.M.C. No.32 of 2021 before the Family Judge, Chengalpattu, seeking maintenance. The learned Judge, Family Court, after enquiry, by order dated 07.02.2024, ordered maintenance of Rs.30,000/- to both the respondents. Feeling aggrieved by the order of maintenance, the husband has filed the present revision.

4. The learned counsel for the petitioner submitted that the first respondent hardly lived with the petitioner only for three months and



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thereafter, without any valid reason, voluntarily deserted the petitioner. The

petitioner was always ready to live with the first respondent and despite the same, the first respondent neglected to join and live with the petitioner. The petitioner also filed a petition for restitution of conjugal right and unfortunately, the same was dismissed for default and a petition has been filed for restoration and the same is pending. The first respondent is a healthy woman and she can able to maintain herself. Further, the first respondent's father is having several buildings and getting income and that the first respondent is also having share in those buildings and therefore, she can maintain herself. Since the first respondent voluntarily left the matrimonial home and also refused to join the petitioner eventhough the petitioner was ready to live with her, the petitioner is not liable to pay maintenance to the her. Further, though the petitioner was earlier working as an Engineer and getting salary of Rs.80,000/- per month, subsequently, during Covid, he was forced to resign the job and now the petitioner is jobless and has no income even to



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maintain himself. Therefore, the order of maintenance passed by the Family

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Court is liable to be set aside.

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

6. The relationship of the parties is admitted. The paternity of the child is also not in dispute. The petitioner himself admitted that the first respondent deserted him, but the petitioner has not established that the first respondent left the matrimonial home and deserted the petitioner voluntarily without any reason. Further, except the contention that the father of the first respondent is having means, the petitioner has not established that the respondents are having independent means to maintain themselves.

7. Since the petitioner was earning Rs.80,000/- per month, the Family Court ordered Rs.30,000/- towards maintenance to the respondents by considering the age of the child and their needs and other incidental expenses.

The order of maintenance of Rs.30,000/- per month is meagre and not



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exorbitant while considering the price index raising day by day.

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8. This Court does not find any compelled reason to interfere with the order passed by the learned Judge, Family Court and there is no perversity or illegality or infirmity in the order of maintenance. Therefore, there is no merits in this revision.

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

25.03.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
ksa-2

To
The Judge,
Family Court, Chengalpattu



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P.VELMURUGAN. J.

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