



CrI.Rc. No.258 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Criminal Revision Case No. 258 of 2021

K. Chithra

.. Petitioner

Versus

B. Ramesh

.. Respondent

Criminal Revision filed under Section 397 and 401 of Cr.P.C., praying to call for the records pertaining to the order dated 19.03.2020 made in M.C. No. 463 of 2016 on the file of the VI Additional Family Court, Chennai and set aside the same by allowing this Criminal Revision Petition and enhance the quantum of maintenance amount passed in the said case and further direct the Respondent to pay the maintenance amount from the date of filing of the said maintenance petition.

For Petitioner	:	Mr. P. Rajkumar
For Respondent	:	No Appearance

ORDER

This Criminal Revision had been filed to set aside the order dated 19.03.2020 passed by the learned Additional Principal Judge-VI, Family Court, Chennai in M.C. No. 463 of 2016.



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2. The brief facts, which are necessary for disposal of this Criminal Revision Case, are as follows:-

2.1. The Petitioner is the wife of the Respondent. As per the Petition in M.C. No. 463 of 2016 filed by the Petitioner, her marriage with the Respondent was solemnised on 13.06.1994 at M.R.S. Lakshmi Thirumana Mandapam, Strahans Road, Ottery, Chennai – 600 012 and all the marriage expenses have been borne by her parents. At the time of marriage, her father has given sreedhana items, jewels and Rs.1,00,000/- to the Respondent as dowry, as has been demanded by then. After marriage, the Respondent arranged the matrimonial house at No.146, T2 Block, Third Floor, Varathammal Thottam 1st Street, Kellys, Chennai – 600 010. In the course of the matrimonial life, two children have born and they had attained age of majority. The marriage life was peaceful and blissful. However, due to a skin ailment suffered by the Petitioner, there is a change in her appearance. By citing the same, her husband and her children did not associate with her and she was isolated. Therefore, she is confined herself in a room in the same house where the Respondent and children are residing. It was stated that the Respondent is a businessman, who dealt with distribution of water through water can. Later on, he closed the drinking water business and entered the



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business of driving transport vehicles. Through this business, the Respondent earns atleast Rs.50,000/- per month. The Respondent in the beginning provided all the requirements of the Petitioner food in time, but later refused to provide proper food, cloth and medical expenses. The Petitioner also lodged a complaint before the G-5. Ayanavaram Police Station, Chennai complaining that the Respondent did not provide her the basic needs, but the police officials did not take any action thereof. The Respondent being a husband, is duty bound to maintain the Petitioner/Wife by providing shelter, cloth and medical expenses. The Petitioner therefore prayed to grant a sum of Rs.20,000/- per month towards monthly maintenance to her.

2.2. The Respondent/husband filed a counter disputing the claim of the Petitioner stating *inter alia* that the wife is residing under the same roof and she herself had isolated from the company of her husband and children. The monthly expenses for the wife had been met by him, which includes her medical expenses. The Respondent had been paying her a sum of Rs.2,250/- per month for her maintenance apart from providing other basic necessities. The children born to the Petitioner and the Respondent have attained the age of majority. The daughter is studying M.C.A. The son is studying Hotel Management. The Respondent/husband had to take care of the studies of the children and the medical expenses of the wife. The Respondent is the only



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bread winner in the family. He also has to take care of his aged mother, who is doing all the house hold chores. The grievance projected by the Petitioner by filing the present petition for maintenance is untenable. Therefore, the Respondent/husband sought to dismiss the Petition.

2.3. In M.C. No. 463 of 2016, the Petitioner examined herself as P.W-1 and marked four documents as Ex.P-1 to Ex.P-4. The Respondent examined himself as R.W-1 and marked one document as Ex.R-1, hand slip with endorsement made by the Petitioner for the expenses incurred by him. Based on the pleadings, oral and documentary evidence, the learned Additional Principal Judge-VI, Family Court, Chennai, by Order dated 19.03.2020 dismissed the Petition in M.C. No. 463 of 2016 by concluding that the Respondent is providing all the basic necessities required by the Petitioner. However, it was directed that the Respondent shall continue to pay the sum of Rs.2,250/- per month, which he is paying the Petitioner all along.

2.4. Aggrieved by the order dated 19.03.2020, the Petitioner has filed this Criminal Revision Case to set aside the Order of the learned Additional Principal Judge-VI, Family Court, Chennai, and to enhance the maintenance amount.

3. The learned Counsel for the Revision Petitioner submitted that the
<https://www.mhc.tn.gov.in/judis>



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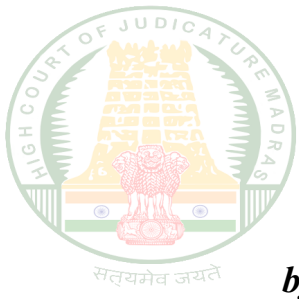
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Revision Petitioner is suffering from skin ailment and by citing the same, the other family members avoided her. The revision Petitioner is confined in one room in the same house. In order to take proper medical treatment, the Petitioner requires at least a sum of Rs.15,000/- per month. The Respondent-husband has his own business and earning Rs.80,000/- per month. Apart from water supply business, the Respondent is also working as part-time cab driver. The learned Additional Principal Judge - VI, Family Court, Chennai, failed to consider those facts available in the evidence to show that the Petitioner require atleast a sum of Rs.15,000/- per month for treatment, which is denied by the Respondent. Therefore, the learned counsel for the Petitioner prays this Court to set aside the order of dismissal in M.C. No. 463 of 2016 dated 19.03.2020 and to grant her maintenance.

4. Notice was served on the Respondent/Husband and his name was also printed in the cause list, but none appeared on his behalf.

Point for Consideration:-

Whether the Order passed by the learned Additional Principal Judge-VI, Family Court, Chennai in M.C.No.463 of 2016 dated 19.03.2020 is perverse warranting interference

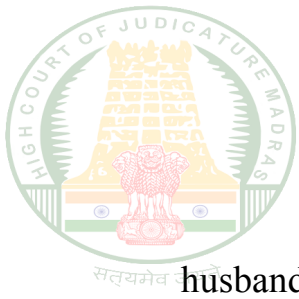


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by this Court?

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5. Perused the records, typed set furnished by the Petitioner in which the deposition and copy of documents are available. The affidavit of the Petitioner states the facts mentioned in the Petition. In the cross-examination, the contents of the counter filed by the husband were put as suggestions. In the course of cross-examination, the Petitioner/wife admitted that she had been dealing in Saree business, but claimed that she stopped the said business after four years. In the course of the cross examination, the Petitioner/wife also admits that the husband had been meeting the expenses of the family including her medical expenses. She had admitted that per month Rs.2250/- is paid to her, apart from the common expenses for the family met by the Respondent/husband. Above all, on the basis of her admission in the cross-examination, the learned Additional Principal Judge-VI, Family Court, Chennai concludes that the Petitioner did not do any household chores and it is being done only by her mother-in-law. It was also concluded that the Petitioner is only doing yoga and make-up whenever she goes out for any function. The Petitioner is also not cooking food for the children or do any other work. On consideration of such evidence, the learned Additional Principal Judge-VI, Family Court, Chennai, arrived at a conclusion that there is no negligence on the part of the



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husband to maintain the wife. To the suggestion put to the wife that the Respondent had not ill-treated her and isolated her, she admitted that she, on her own, isolated herself from the company of her husband and children. The fact that in the course of the cross-examination, she admitted that she was dealing in Saree business and earns considerably. But it is not at all mentioned anywhere in the pleadings in the Petition. Therefore, she has a business to sustain herself apart from financial support extended by her husband. Based on this fact, the learned Additional Principal Judge - VI, Family Court, Chennai, arrived at a conclusion that the wife is residing in the same house where the husband and grown-up children of the Petitioner are residing and from his business expenses, the husband is contributing to the family consisting of the wife apart from meeting her medical expenses. Therefore, the learned Additional Principal Judge-VI, Family Court, Chennai, concludes that the demand made by the wife seeking Rs.20,000/- per month need not be granted considering the evidence of the husband as R.W-1.

6. As per the ruling of the Hon'ble Supreme Court reported in the case of *V. Sejappa Vs. State* reported in **2016 12 SCC 150**, in criminal cases, when the Appellate Judge arrived at a conclusion that the learned trial Judge

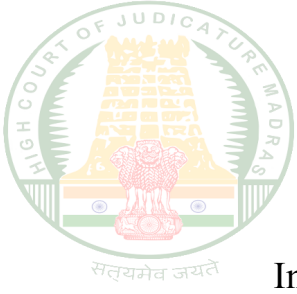


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had assessed the evidence as per the Provisions of the Indian Evidence Act and given a finding, such findings shall not be ordinarily be disturbed. In this case, the claim of the Petitioner/wife is that the learned trial Judge failed to appreciate the evidence and dismissed the Petition and therefore, sought to set aside the same. On assessment of evidence, the learned Judge had arrived at the right conclusion that the wife is not entitled to claim maintenance of Rs.20,000/- per month considering the socio-economic condition of the husband who is maintaining his two major children, his aged mother along with the Petitioner. The Petitioner is residing in the same house and she is provided with all the basic needs has been taken note of by the learned Additional Principal Judge-VI, Family Court, Chennai. Therefore, this Court is of the view that the order passed by the learned Additional Principal Judge-VI, Family Court, Chennai, needs no interference. The findings given by the learned Additional Principal Judge-VI, Family Court, Chennai, is found to be proper and not perverse warranting interference by this Court.

7. In the light of the above discussion, the point for consideration is answered in favour of the Respondent/husband and against the Petitioner/wife. The order passed by the learned Additional Principal Judge-VI, Family Court, Chennai, in M.C.No.463 of 2016 dated 19.03.2020 is found proper.



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In the result, **this Criminal Revision Case is dismissed.** The order passed by the learned Additional Principal Judge-VI, Family Court, Chennai in M.C.No.463 of 2016 dated 19.03.2020 is confirmed.

03.03.2025

dh

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order

To

1. The Additional Principal Judge-VI,
Family Court,
Chennai.
2. The Section Officer,
Criminal Section,
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP, J

dh

Order made in
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