



WEB COPY



Crl.R.C.No.1302 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1302 of 2024

and

Crl.M.P.No.11308 of 2024

Palani, S/o Subramaniam

.. Petitioner

Vs.

1. Sudha @ Vaishnavi, D/o Mani

2. Minor Ritheesh, S/o Palani

3. Minor Nishanth, S/o Palani

(Minor respondents 2 and 3 are represented

by guardian 1st respondent - mother)

.. Respondents

Criminal Revision Case filed under Section 397 of Cr.P.C. against the order dated 30.04.2024 passed in M.C.No.10 of 2022 on the file of the Family Court, Villupuram.

For petitioner : Mr.N.Suresh

For respondents: No appearance

Page No.1/6



CrI.R.C.No.1302 of 2024

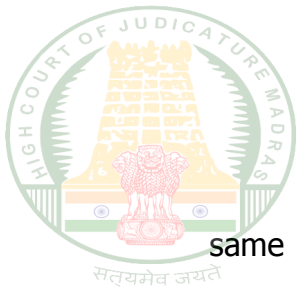
ORDER

WEB COPY

The revision petitioner is the husband and the first respondent (wife) and the minor children are shown as party-respondents.

2. The respondents have filed the maintenance case in M.C.No.10 of 2022 on the file of the Family Court, Villupuram and after enquiry, the Family Court ordered maintenance by the order dated 30.04.2024. The revision petitioner/husband was directed to pay Rs.10,000/- as monthly maintenance to the first respondent-wife and Rs.5,000/- each to the second and third minor respondents. Besides maintenance, the Family Court directed the husband to pay Rs.2 lakhs towards the educational expenses of the minor respondents 2 and 3 herein.

3. Learned counsel for the petitioner/husband submitted that the monthly salary of the revision petitioner is only Rs.12,374/- and he has also marked the pay slip as salary proof issued by the Company as Ex.X-1 series for the month of February 2023, March 2023 and April 2023 and the certificate of encumbrance on the property is marked as Ex.X-2. The Certificate given by the Village Administrative Officer of Salamedu, Villupuram District, is marked as Ex.X-3. Further, the first respondent is a woman of means and she is able to maintain herself. However, the revision petitioner/husband was directed to pay the educational expenses of the children and the Family Court failed to consider the



CrI.R.C.No.1302 of 2024

same and ordered maintenance which is not proportionate to the income of the revision petitioner and therefore, the same may be set aside.

4. Despite service of notice and the name of the learned counsel for the respondents having been printed in the cause list, none appears for them.

5. It is seen from the records that the respondents have filed petition seeking maintenance from the revision petitioner. Though the revision petitioner has made certain allegations, the Family Court found that the allegations levelled against the petitioner have not been proved. On a reading of the entire materials available on record, on the side of the revision petitioner, he was examined as R.W.1 and no witness was examined on the side of the respondents herein and it was also found that the petitioner has not substantiated those allegations. He has not proved that he has produced any document or material to show that the revision petitioner has only to meet out the educational expenses of the children and therefore, in the absence of any documentary evidence, the judgment of the Family Court granting Rs.10,000/- to the first respondent and Rs.5,000/- each to the minor children, namely the respondents 2 and 3 herein. The petitioner/husband has not filed any statement of assets and liabilities.

6. It is settled proposition of law that the maintenance case under Section 125 Cr.P.C. is summary procedure as per the guidelines framed by the Honourable Supreme Court in many cases, one of which is reported in 1985 (4)



CrI.R.C.No.1302 of 2024

SCC 337 (Savitri Vs. Govind Singh Rawat).

WEB COPY 7. In the cases of maintenance, the spouse had to file the statement of assets and liabilities. Though the revision petitioner attempted to prove that his salary was only Rs.12,000/- (approximately) per month by producing the pay slip, but however, in order to prove the pay slip, he has not examined the employer from whom he was receiving salary.

8. Therefore, considering the facts and circumstances of the case and the price index and also the cost of living prevailing as on date, the order passed by the Family Court is in order and there is no perversity or illegality or infirmity in the same.

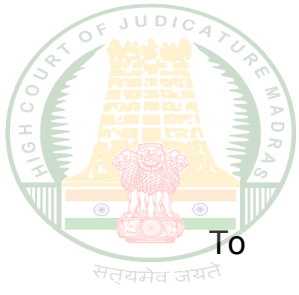
9. However, as far as the payment towards the educational expenses of the minor children, is concerned, the petitioner-husband is at liberty to file necessary application before the concerned Court challenging such educational expenses granted by the Court.

10. With the above liberty to file necessary application before the concerned Court in respect of grant of educational expenses for the minor children, this revision petition is dismissed. Consequently, the miscellaneous petition is closed.

26.03.2025

CS

Page No.4/6



CrI.R.C.No.1302 of 2024

To

WEB COPY

1. The Judge, Family Court, Villupuram.
2. The Section Officer, Criminal Section Records, High Court, Madras.



WEB COPY



Crl.R.C.No.1302 of 2024

P.VELMURUGAN, J

CS

Crl.R.C.No.1302 of 2024

26.03.2025

Page No.6/6