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Crl.RC.No.1552 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1552 of 2024 and

Crl.M.P.No.12931 of 2024

Palraj

... Petitioner

Vs.

Ashika

... Respondent

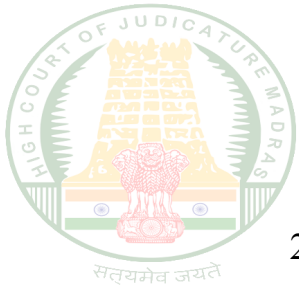
Prayer: Criminal Revision Case filed under Section 438 read with 442 of B.N.S.S. to call for the records in F.C.M.C. No.10 of 2022 (on the file of the Family Court, Ariyalur) order dated 03.02.2023 and set aside the same.

For Petitioner : Mr.P.Pugalenth

For Respondent : No Appearance

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order in F.C.M.C. No.10 of 2022 on the file of the Family Court, Ariyalur dated 03.02.2023.



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2. The case of the petitioner is that the respondent is the wife of the petitioner. After the marriage, due to misunderstanding, the petitioner filed a petition for divorce in FCOP No.28 of 2021 before the Family Court, Ariyalur and the same was accepted by the respondent and therefore, on 02.10.2021, the Family Court granted divorce. Thereafter, the respondent filed a maintenance case against the petitioner in F.C.M.C. No.10 of 2022 before the Family Court, Ariyalur, seeking maintenance of Rs.30,000/- per month and the said petition was partly allowed by order dated 03.02.2023 and the petitioner was directed to pay monthly maintenance of Rs.10,000/- to the respondent. Challenging the same, the present revision is filed.

3. The learned counsel for the petitioner submitted that the petitioner is a jobless person and he has no income at all and he himself has been maintained by his father. He has produced the income certificate issued by the Tahsildar in which, it is stated that the income of the petitioner is Rs.4,000/- per month and Rs.48,000/- per annum, whereas, the learned judge, ordered Rs.10,000/- per



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month. Therefore, the petitioner is unable to pay the said maintenance to the

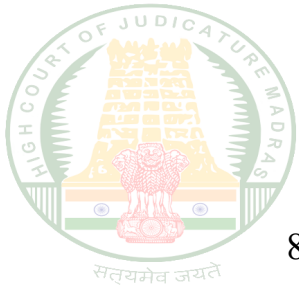
respondent and hence, the order of maintenance is liable to be set aside.

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

5. Though the learned counsel for the petitioner submitted that the petitioner is not going for any job, the documents shows that some properties stand in the name of the father of the petitioner. The contention of the petitioner that he has no income and he is not going for any job, shows that the petitioner has invented the reasons for avoiding payment of maintenance. Therefore, the contention of the petitioner cannot be accepted.

6. Further, a husband has a bounden duty to maintain his wife. Since the respondent had not established the income of the petitioner, the Judge, Family Court ordered a sum of Rs.10,000/- towards monthly maintenance.

7. This court does not find any reason to interfere with the order passed by the Judge, Family Court.



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8. Accordingly, this Criminal Revision Case is dismissed. Consequently,

the connected Miscellaneous Petition is closed.

27.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
The Family Court,
Ariyalur

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P.VELMURUGAN. J.

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