

Crl.RC.No.1859 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1859 of 2024 and
Crl.M.P.No.15251 of 2024

K.Naresh

... Petitioner

Vs.

1.N.Mangaiyarkarasi

2. Minor N.Aswath

3. Minor N.Dheekshith

Minors are duly represented by their

mother and guardian N.Mangaiyarkarasi

... Respondents

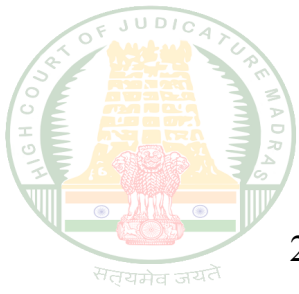
Prayer: Criminal Revision Case filed under Section 397 read with Section 401 Cr.P.C. to set aside the order dated 26.04.2024 passed in M.C.No.262 of 2018 by the I Additional Family Court, Chennai.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.A.G.Prabukumar

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 26.04.2024 passed in M.C.No.262 of 2018 by the I Additional Family Court, Chennai.



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2. The case of the petitioner is that the first respondent is the wife of the petitioner. The second and third respondents are the children born to the petitioner and the first respondent. The respondents filed a maintenance case in M.C.No.262 of 2018 before the I Additional Family Court, Chennai. The learned Judge, Family Court, after enquiry passed the order of maintenance dated 26.04.2025 directing the petitioner to pay a sum of Rs.7,000/- per month to the first respondent/wife and a sum of Rs.5,000/- per month, each to the children/respondents 2 and 3 towards their monthly maintenance. Aggrieved by the same, the husband has filed the present revision.

3. The learned counsel for the petitioner submitted that the first respondent is not entitled to get any maintenance from the petitioner. Further, she has not proved the employment and income of the petitioner. However, the learned Judge, Family Court, without considering the materials, simply ordered maintenance, which warrants interference.

4. The learned counsel for the respondents submitted that the petitioner



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is running a furniture shop in the name and style of Sathya Furniture and

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earning monthly income of Rs.50,000/-. Further, the petitioner only driven the respondents out from the matrimonial home and that the respondents are not having any means to maintain themselves. Therefore, they filed the maintenance case and the learned Judge, Family Court, considering the materials, ordered maintenance.

5. Heard and perused the materials available on record.

6. It is seen from the records that during cross examination, the petitioner's counsel had put a suggestion regarding the character of the respondent/wife. However, the same has not been proved. Further, the petitioner has not proved that the respondent/wife left the matrimonial home without any valid reason. Admittedly, the respondents are living separately away from the petitioner. Therefore, the respondents are entitled to maintenance.

7. As far as the quantum is concerned, though the respondents stated that



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the petitioner is running a furniture shop and earning monthly income of Rs.50,000/-, the petitioner has not produced any material to prove otherwise.

8. Therefore, while considering the facts and circumstances of the case and the price index raising day by day and also the cost of living prevailing as on date, the maintenance ordered by the Judge, Family is reasonable one.

9. This Court does not find any perversity or compelled reason to interfere with the order passed by the Judge, Family Court.

10. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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The I Additional Family Court,
Chennai.



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P.VELMURUGAN. J.

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