



CrI.RC.No.1496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1496 of 2024

1.Sivagamasundari

2.Minor Harish

Represented by Guardian and

Mother 1st petitioner Sivagamasundari

... Petitioners

Vs.

K.Karthikeyan @ Karthi

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C. to set aside the judgement passed by the Family Court, Villupuram, in M.C.No.03 of 2022 dated 04.11.2023 and award the maintenance amount claimed by the petitioner in M.C.No.03 of 2022 to the tune of Rs.25,000/- per month.

For Petitioners : M/s.Akshai Sajin Kumar

For Respondents : No Appearance



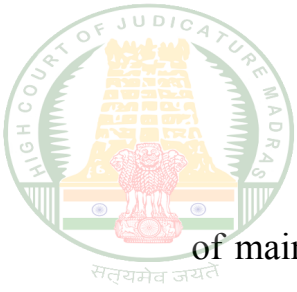
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ORDER

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This Criminal Revision Case has been filed by the petitioners to set aside the judgement passed by the Family Court, Villupuram, in M.C.No.03 of 2022 dated 04.11.2023 and award a sum of Rs.25,000/- per month towards maintenance as claimed by the petitioners in M.C.No.03 of 2022.

2. The case of the petitioner is that the first petitioner is wife and the second petitioner is son of the respondent. The first petitioner along with the second petitioner/minor son filed a maintenance case in M.C.No.03 of 2022 before the Family Court, Villupuram seeking a sum of Rs.25,000/- each towards monthly maintenance and a sum of Rs.1 lakh per year towards medial and festival expenses. Though the learned Judge, Family Court, by order dated 04.11.2023 ordered maintenance of Rs.10,000/- to the second petitioner/minor son, dismissed the claim of the first petitioner/wife on the sole ground that she is working as a Teacher and getting salary of Rs.10,000/- per month. Therefore, against the order of dismissal of maintenance to the wife and for enhancement



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of maintenance for the second petitioner/minor son, wife has filed the present

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revision.

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

4. The relationship of the parties is admitted. The perusal of the materials shows that the first petitioner/wife admitted that she is working as a Teacher. Though she is working as a temporary Teacher, it has been admitted that she is earning Rs.10,000/- per month.

5. Section 125 Cr.P.C. deal with the maintenance of wives, children and parents, providing a mechanism for individuals to claim financial support from their spouses or relatives when they unable to maintain themselves. A wife who is unable to maintain herself can claim maintenance from her husband, whereas in this case, the first petitioner/wife is a educated person and equally competent person to earn money and she has also admitted that she is working as a temporary Teacher and getting salary of Rs.10,000/- per month. Therefore,



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it comes out of the purview of Section 125 Cr.P.C. Hence, the learned Judge,

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Family Court, dismissed the claim of the first petitioner/wife and ordered maintenance of Rs.10,000/- to the second petitioner/minor child. Under these circumstances, this Court does not find any reason to interfere with the order passed by the Judge, Family Court.

6. Accordingly, this Criminal Revision Case is dismissed.

7. However, the petitioners are at liberty to work out their remedy in the manner known to law before the competent Court in the appropriate proceedings and not under Section 125 Cr.P.C.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
The Family Court,
Villupuram

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P.VELMURUGAN. J.

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