



Crl.RC.No.1467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1467 of 2024 and

Crl.M.P.No.12329 of 2024

Sakthi Kumar

... Petitioner

Vs.

1. Sindhuja

2. Minor Vedesh

S/o. Sakthi Kumar

Minor rep. by his Guardian/Mother Sindhuja

... Respondents

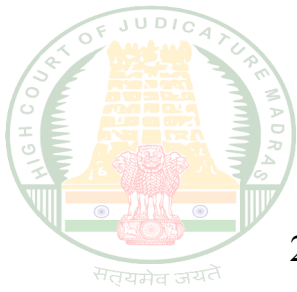
Prayer: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. to call for the records and set aside the order dated 30.01.2024 made in M.C.No.3 of 2019 passed by the Family Court, Dharmapuri.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.P.M.Jayachandran

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 30.01.2024 made in M.C.No.3 of 2019 passed by the Family Court, Dharmapuri.

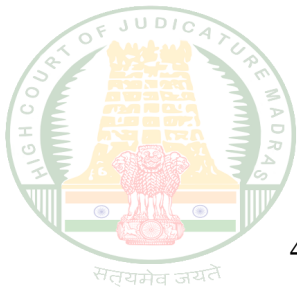


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2. The case of the petitioner is that the respondents who are the wife and

son of the petitioner filed a maintenance against the petitioner in M.C.No.3 of 2019 before the Family Court, Dharmapuri. The said petition was partly allowed by directing the petitioner to pay a sum of Rs.15,000/- p.m. to the wife and Rs.10,000/- p.m. to the minor son. Aggrieved by the order of maintenance, the husband has filed the present revision.

3. The learned counsel for the petitioner submitted that the petitioner already incurred debt and he is unable to pay even the debt which was borrowed for his business transactions. Further, the respondent/wife left the matrimonial home and deserted the petitioner voluntarily without any valid reason and therefore, she is not entitled to any maintenance, however, the petitioner is ready to take care of the second respondent/minor child. He further submitted that the petitioner and the first respondent/wife already got divorce by mutual consent and on that ground also, the first respondent is not entitled to get maintenance.



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4. Heard both sides and perused the materials available on record.

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5. A perusal of the records shows that the relationship of the parties is not in dispute. Further, the petitioner has admitted that the respondents/wife and minor child are living away from the matrimonial home. The petitioner has also not established that the first respondent is a woman of means and she can maintain herself.

6. The learned counsel for the petitioner addressed two ground of disqualification for getting maintenance by the first respondent/wife. One is that the first respondent left the matrimonial home voluntarily without any valid reason, whereas the evidence shows otherwise. The learned Judge, Family Court found that the first respondent had not left the matrimonial home voluntarily without any valid reason and that the first respondent has assigned a valid reason for deserting the petitioner.

7. The other ground taken by the petitioner is that both the petitioner and the first respondent have obtained divorce by mutual consent, whereas, no



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records were produced before the Judge, Family Court. Therefore, the

petitioner has not established any disqualification for getting maintenance by the first respondent.

8. Therefore, considering the facts and circumstances and the status of the petitioner and also considering the price raising day by day, the learned Judge Family Court ordered maintenance of 25,000/- (Rs.15,000/- + Rs.10,000/-) to the respondents.

9. This Court does not find any reason to interfere with the order passed by the Judge, Family Court and there is no merits in this revision.

10. 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

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The Family Court,
Dharmapuri.



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P.VELMURUGAN. J.

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