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Crl.RC.No.1983 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1983 of 2024 and

Crl.M.P.No.16148 of 2024

Baskar

... Petitioner

Vs.

1. Devi @ Mahadevi

2. Manisha

3. Sakesh Kumar

(Respondents 2 and 3 rep. by guardian
their mother first respondent namely

Devi @ Mahadevi)

... Respondents

Prayer: Criminal Revision Case filed under Section 438 and 442 of B.N.S.S./397 and 401 of Cr.P.C. to set aside the partly allowing of order in M.C.No.02 of 2019 dated 13.03.2024 passed by the Judicial Magistrate Court at Polur, Thiruvannamalai District.

For Petitioner

: Ms.S.Manisha

For Respondents

: Mr.R.Surya Prakash



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order in M.C.No.02 of 2019 dated 13.03.2024 passed by the Judicial Magistrate Court at Polur, Thiruvannamalai District.

2. The case of the petitioner is that the first respondent is the wife of the petitioner. The respondents 2 and 3 are their children. The first respondents along with the respondents 2 and 3 filed a maintenance case against the petitioner invoking Section 125 Cr.P.C. in M.C.No.02 of 2019 dated 13.03.2024 before the Judicial Magistrate Court at Polur, Thiruvannamalai District seeking monthly maintenance of Rs.40,000/-. The learned Magistrate, after enquiry, partly allowed the petition and ordered monthly maintenance of Rs.6,000/- to the first respondent/wife and Rs.3,000/- each to the respondents 2 and 3/children. Feeling aggrieved over the order of maintenance, the petitioner/husband has filed the present revision.

3. The learned counsel for the petitioner submitted that the petitioner is a



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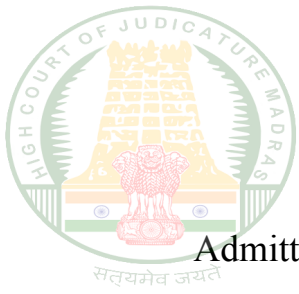
ex-service man and getting pension of Rs.20,000/- only out of which, he has to

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maintain his age old mother and a physically challenged brother and that the maintenance ordered by the Magistrate is not proportionate to his income and therefore, the order passed by the Magistrate is liable to be set aside.

4. Heard and perused the materials available on record.

5. The relationship of the parties is not in dispute. The respondents are living separately away from the petitioner is also admitted. If the petitioner is a ex-service man, while leaving from service, he might have got a lump sum amount from the defence, but he had not disclosed anything about the same. However, admittedly, he is getting a sum of Rs.20,000/- as pension and other than that, he is also doing some other work. Therefore, the Magistrate ordered maintenance of Rs.11,000/- only (Rs.5,000/- to wife and Rs.3,000/- each to the children) which is a meagre amount. The petitioner has not established any disqualification of the respondents from getting maintenance and also there is no material to show that the respondents have means to maintain themselves.



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Admittedly, the children are with the first respondent/wife and it is very difficult to maintain two children with the meagre amount of Rs.11,000/-.

6. Therefore, while considering the facts of the case and also the age of the children, this Court finds no compelled reason to interfere with the order passed by the Magistrate and there is no merits in this revision.

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

8. Further, the petitioner is directed to deposit the arrears of maintenance within a period of three months from the date of receipt of a copy of this order failing which, the Judicial Magistrate Court at Polur, Thiruvannamalai District is directed to issue warrant against the petitioner and execute the warrant and also collect the arrears amount and pay the same to the respondents.

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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 Judicial Magistrate Court
Polur, Thiruvannamalai District



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P.VELMURUGAN. J.

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