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Crl.R.C.No.1339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1339 of 2024
and
Crl.M.P.No.11441 of 2024
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Manivel, S/o Ramasamy

.. Petitioner

Vs.

1. Minor Harish, S/o Manivel

2. Minor Prasanna, S/o Manivel

(First and second respondents minors are represented
by next friend and natural guardian Mrs.Dhanalakshmi)

.. Respondents

Criminal Revision Case filed under Section 438 read with Section 442 of the BNSS to call for the records and to set aside the order dated 29.04.2024 made in F.C.M.C.No.5 of 2023 on the file of the Family Court, Ariyalur.

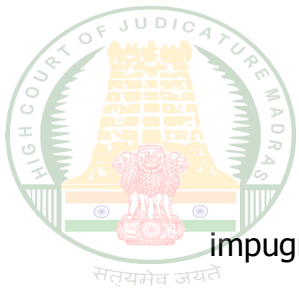
For petitioner : Mr.M.N.Balakrishnan

For respondents : Mr.T.Gobinath

ORDER

The revision petitioner is the father of the respondents 1 and 2 /minor children to whom the maintenance was ordered by the Family Court by the

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impugned order.

WEB COPY 2. Though the judgment of the Family Court has not ordered maintenance to the wife, however, the Family Court ordered maintenance only to the children. Challenging the same, the father of the minor children, i.e. husband, has filed the present revision petition.

3. Learned counsel for the revision petitioner/husband submitted that the revision petitioner is only a Cook and he would not get regular income and he will be able to get only the seasonal work and he has got second wife after divorcing the first wife being the mother of the respondents-minor children. One of the two siblings, is with the revision petitioner and therefore, he is taking care of the other children with him and therefore, the maintenance was ordered to the children of Rs.7,000/- which is exorbitant and it is not proportionate to the income of the revision petitioner/father. Therefore, the maintenance amount may be reduced.

4. Learned counsel for the minor respondents submitted that the revision petitioner is not working as Cook and he is a cooking contractor and is earning Rs.1 lakh per year. He is also having agricultural properties and having sufficient proportionate of income from it and the Family Court considered the facts and ordered only Rs.7,000/- as maintenance, which is reasonable as on date based on the prevailing cost of living index and hence, the same is only meagre amount

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and therefore, the order passed by the Family Court is well-reasoned and there is no merit in filing the prevent revision petition.

5. Admittedly, the relationship between the parties is not disputed. The revision petitioner has got two minor children through the first wife and he divorced her and no maintenance was ordered to her. However, the petitioner is having one child with him and the child is in the care and custody of the revision petitioner.

6. Though the order of the Family Court in ordering maintenance is in order as per the existing cost of living and price index, considering the status of the revision petitioner and also taking into account the materials on record, the Family Court has duly considered the factors for grant of maintenance amount which is reasonable to the respondents herein.

7. In the above facts and circumstances, this Court does not find any merit in the revision petition, which is accordingly dismissed. The revision petitioner is directed to pay the arrears of maintenance, if any pending, to the minor children (respondents herein). The Family Court is directed to take necessary coercive steps to execute the order of maintenance having not been paid, if any by the revision petitioner. The miscellaneous petition is closed.

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1. The Judge, Family Court, Ariyalur.
2. The Section Officer, Criminal Sections - Records, High Court, Madras.

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P.VELMURUGAN, J

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