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Crl.RC.No.1479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1479 of 2024 and

Crl.M.P.No.12434 of 2024

J.Devaraj

... Petitioner

Vs.

1.K.Akila

2. D.A.Kavinessh

S/o. Devaraj

Represented by his mother K.Akila

... Respondents

Prayer: Criminal Revision Case filed under Sections 438 and 442 of B.N.S.S. 2023, to set aside the order passed in M.C.No.300 o 2020 dated 17.04.2024 on the file of the VI Additional Family Court, Chennai.

For Petitioner : M/s.C.S.Vedavalli

For Respondents : Mr.C.Kesan



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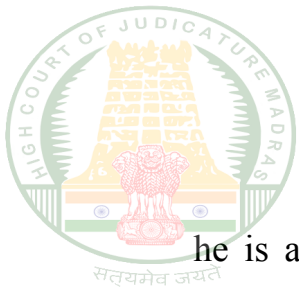
ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order passed in M.C.No.300 o 2020 dated 17.04.2024 on the file of the VI Additional Family Court, Chennai.

2. The respondents are the wife and son of the petitioner herein. The respondents filed a maintenance case against the petitioner in M.C.No.300 o 2020 dated 17.04.2024 before the VI Additional Family Court, Chennai. The learned Judge, Family Court, after enquiry, partly allowed the petition by directing the petitioner to pay monthly maintenance of Rs.15,000/- (Rs.8,000/- to the first respondent/wife and Rs.7,000/- to the second respondent/minor son) to the respondents. Aggrieved by the same, the husband has filed the present revision.

3. The learned counsel for the petitioner submitted that the petitioner is only a Auto Driver and he is not getting any regular income. Further, the petitioner borrowed loan for purchasing the Auto and he is paying the EMI and

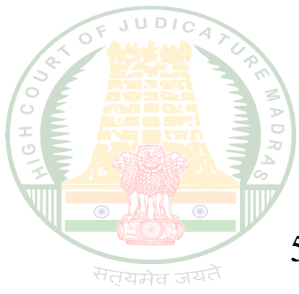


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he is also maintaining his age old mother, whereas the first respondent is a

earning member and she is able to maintain herself. The learned Judge, Family Court failed to consider the economical status of the petitioner and ordered maintenance of Rs.15,000/- which is highly exorbitant and also not proportionate to the monthly income of the petitioner. However, the petitioner is ready to pay a sum of Rs.10,000/- in total towards maintenance to both the respondents.

4. The learned counsel for the respondents submitted that the petitioner is residing in his own house. The mother of the petitioner is also working and getting salary and therefore, the petitioner need not maintain his mother. Further, the petitioner has purchased an Auto and regularly going for school trip and getting minimum of Rs.2,000/- per day, whereas the wife/first respondent is getting salary of Rs.6,000/- only by working as a sales woman out of which, she has to maintain her child. Therefore, the order passed by the Judge, Family Court is reasonable.



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

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6. The relationship of the parties is admitted. The paternity of the child/second respondent is also admitted. Both the respondents are living separately from the petitioner is also admitted. It is also admitted that the petitioner is Auto Driver and he is running a share auto. Though the first respondent is working as a sales woman and getting salary of Rs.6,000/-, even in the affidavit of assets and liability filed by the petitioner, he has stated that his mother is working as Aaya in a school and earning Rs.6,000/- per month. Further the petitioner has also admitted that he is getting Rs.600/- per day. Therefore, being a auto driver, naturally the petitioner would get minimum of Rs.1,000/- per day and Rs.30,000/- per month. However, the Judge, Family Court has ordered only Rs.15,000/- to the respondents.

7. Therefore, while considering the economical status of the petitioner, the price index raising day by day and the cost of living prevailing as on date, the order of maintenance passed by the Judge, Family Court, is reasonable and



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this Court finds no reason to interfere with the same and that there is no merits

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in this revision.

8. Therefore, 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

The VI Additional Family Court,
Chennai.



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P.VELMURUGAN. J.

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