



Crl.R.C.No.1297 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 1297 of 2024

and

Crl.M.P.No.11281 of 2024

P.Manoj Kumar

... Petitioner

..VS..

1. M.Priya

2. Sreenisha (Minor)

represented by her mother and natural guardian

M.Priya

... Respondents

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 11.03.2024 passed in M.C.No.92 of 2021 by the Additional Principal Family Court, Coimbatore, allow this revision.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Not-ready-in notice



Crl.R.C.No.1297 of 2024

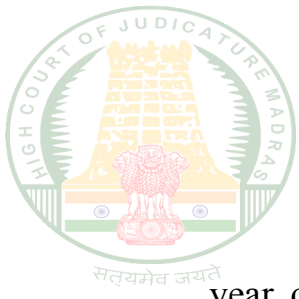
WEB COPY

ORDER

This Criminal Revision Petition has been filed against the order dated 11.03.2024 passed in M.C.No.92 of 2021 on the file of the Additional Principal Family Court, Coimbatore.

2. The revision petitioner is husband and the first respondent is wife and second respondent is minor daughter.

3. The respondents have filed the maintenance case in M.C.No.92 of 2021 on the file of the Additional Principal Family Court, Coimbatore, and after enquiry, the learned Additional Principal Judge ordered maintenance by order dated 11.03.2024. The revision petitioner/husband was directed to pay Rs.10,000/- as monthly maintenance to the first respondent-wife and Rs.5,000/- to the second respondent-minor daughter. Besides maintenance, the Family Court directed the husband to pay Rs.60,000/- towards the educational expenses of the second respondent-minor daughter for every year starting from the academic



Crl.R.C.No.1297 of 2024

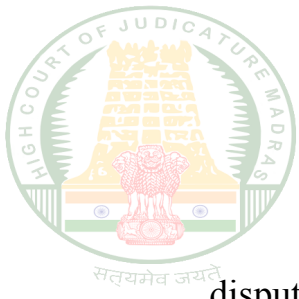
WEB COPY

year of 2024-2025 onwards. Aggrieved by the said order, the present petition has been filed by the petitioner-husband.

4. Learned counsel for the petitioner submitted that the petitioner-husband is working as a Driver in Labour Court, Coimbatore and earning Rs.30,340/- per month as salary and out of his gross pay, after deduction, he is getting net pay of Rs.25,052/- per month, out of which, he has to maintain himself and his age old mother. Hence, the maintenance ordered by the Court below i.e., totally Rs.15,000/- per month to the respondents, is exorbitant, which is not proportionate to the income of the revision petitioner and therefore, the same may be set aside.

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

6. Admittedly, the relationship between the parties is not disputed and the paternity of the child is also not in dispute. Both the petitioner and the first respondent have obtained an order of divorce. The only



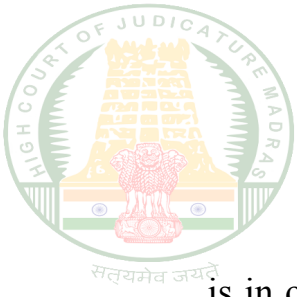
Crl.R.C.No.1297 of 2024

WEB COPY

dispute, according to the petitioner-husband is that, he is receiving Rs.25,000/- only per month as salary and it is sufficient to discharge the loans taken by him and to meet out his day-to-day expenses and his mother. However, he is ready to pay a sum of Rs.5,000/- as maintenance to his minor daughter.

7. On a perusal of the records, it is seen that the petitioner-husband has not produced any materials to show that the first respondent-wife is a woman of means and she is able to maintain herself. The petitioner's only contention is that he is a Government servant and his monthly income is only Rs.25,052/-. However, it is pertinent to state that as a Government Servant, he is getting Dearness Allowances twice a year and also getting increment for every year, and apart from that, as a Driver, he is also getting special allowance and also getting selection grade once in 10 years and hence, there is no fixed salary for the Government Servant. Hence, the contention of the petitioner-husband is not acceptable.

8. Though the order of the Family Court in ordering maintenance



Crl.R.C.No.1297 of 2024

WEB COPY

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.

9. 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 respondents. The Family Court is directed to take necessary steps to execute the impugned order of maintenance, if any, not paid by the revision petitioner. Consequently, connected miscellaneous petition is closed.

26.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
ms

Page No.5/7



WEB COPY



Crl.R.C.No.1297 of 2024

To

The Additional Principal Judge,
Additional Principal Family Court,
Coimbatore.



WEB COPY



Crl.R.C.No.1297 of 2024

P.VELMURUGAN, J.

ms

Crl.R.C.No.1297 of 2024

26.03.2025