



CrI.RC.No.1706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1706 of 2023

M.Manjunatha Habeeb Basha

... Petitioner

Vs.

1. B.Shahin

2. H.Mohammed Arshad (Minor)

S/o.M.Manjunathan Habeeb Basha

Rep. by his mother and natural guardian of

1st respondent

... Respondents

Prayer: Criminal Revision Case filed under Section 397 & 401 of Cr.P.C. to set aside the maintenance order passed in F.C.M.C. No.33 of 2021 on the file of the Family Court, Chengalpet, dated 27.04.2023 directing the petitioner to pay the maintenance of Rs.5,000/- per month to the respondents.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mrs.P.Meenakshi



Crl.RC.No.1706 of 2023

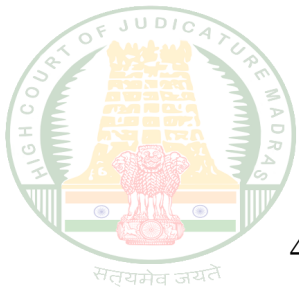
ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the maintenance order passed in F.C.M.C. No.33 of 2021 on the file of the Family Court, Chengalpet, dated 27.04.2023 directing the petitioner to pay the maintenance of Rs.5,000/- per month to the respondents.

2. The case of the petitioner is that the respondents are his wife and minor son. Due to matrimonial dispute, the 1st respondent left the matrimonial home along with the 2nd respondent/child and thereafter, filed a maintenance case against the petitioner in F.C.M.C. No.33 of 2021 before the Family Court, Chengalpet. The learned Judge, Family Court allowed the said petition directing the petitioner to pay a sum of Rs.5,000/- per month towards maintenance to the respondents. Challenging the same, the present revision is filed.

3. Heard and perused the materials available on record.



Crl.RC.No.1706 of 2023

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4. According to the petitioner, the 1st respondent is a working and earning woman and she is also a graduate and at the time of filing the maintenance petition, the petitioner was unemployed and he was not earning. Thereafter, the petitioner was given only daily wages of Rs.6,778/-, whereas, the learned Judge, Family Court ordered maintenance of Rs.5,000/- to the respondents. According to the respondents, the 1st respondent is unemployed and not earning money and residing in her parental house along with the minor child but the petitioner is working as a Clerk in Kovoor Panchyat Union.

5. The petitioner has not filed any proof to show that he is a disabled person or he is unable to go for any work. Though the petitioner has stated that he is working on temporary basis, he has not filed any proof to show his income and employment. However, the petitioner admitted that he is having family property. Therefore, considering the facts and circumstances, the Magistrate ordered only Rs.5,000/- to both the wife and child.

6. It is the bounden duty of the husband to maintain his wife and child.



CrI.RC.No.1706 of 2023

While, considering the status and economical condition prevailing as on date,

the order passed by the Magistrate and the quantum of maintenance is meagre one.

6. Therefore, this Court does not find any perversity in the order passed by the Family Court and there is no reason to interfere with the same and that there is no merit in this revision.

7. Accordingly, this Criminal Revision Case is dismissed.

8. The petitioner is directed to deposit the entire arrears of maintenance amount within a period of three months from the date of receipt of a copy of this order, failing which, the Judge, Family Court, Chengalpet, is directed to take coercive steps against the petitioner to execute the order of maintenance.

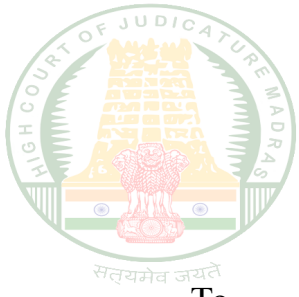
10.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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CrI.RC.No.1706 of 2023

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To
The Family Court,
Chengalpet



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CrI.RC.No.1706 of 2023

P.VELMURUGAN. J.

Ksa-2

CrI.RC.No.1706 of 2023

10.03.2025