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CrI.R.C.No.1366 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.03.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.1366 of 2024
and
CrI.M.P.No.11636 of 2024

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Mr.V.V.Radhakrishnan

.. Petitioner

Vs.

1. R.Poornachandrika
2. R.Hemamalini
3. P.Jayanthi

.. Respondents

Criminal Revision Case is filed under Section 438 read with Section 442 of the BNSS against the order dated 22.05.2024 passed in M.P.No.327 of 2024 in M.C.No.49 of 1994 by the Vth Additional Principal Family Court, Chennai.

For petitioner : Mr.A.S.Senthilvel

For respondent: Mr.T.S.Kanmani

ORDER

The revision petitioner has challenged the order passed by the Family Court in the miscellaneous petition in M.P.No.327 of 2024 in M.C.No.49 of 1994.

2. The revision petitioner is the husband and the respondents are the wife and children. Originally, the respondent along with the children, had filed

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maintenance case in M.C.No.49 of 1994 and subsequently, periodically, they have filed petition seeking enhancement of the maintenance, though initially, Rs.300/- was ordered as maintenance, subsequently, it was enhanced to Rs.150/- and thereafter, enhanced to Rs.600/-. The child attained majority and now, the respondent-wife alone has filed a petition for enhancement of the maintenance amount under Section 127 Cr.P.C. in M.P.No.327 of 2024 in M.C.No.49 of 1994 before the Family Court.

3. Considering the fact that the last enhancement order was made in the year 2011, now, the petition has been filed only in the year 2024 after 12 years and the enhancement was from Rs.6,000/- to Rs.15,000/-. Challenging the same, the husband has filed the present revision petition.

4. The relationship between the parties is admitted. The parties are living separately, is also not in dispute. The petitioner-husband being the senior citizen and was working in a Government post and subsequently, he retired on attaining the age of superannuation and is stated by his counsel that he is now getting pension of Rs.33,000/- per month. It is stated that the respondent/wife is having house and she is also having rental income from that house and the petitioner is residing only in a small house and due to age, he is also having so many health ailments and also the medical expenses and he is unable to maintain his life.

5. The respondent is a woman of means and she is able to maintain



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herself and the Family Court failed to consider the same. Even for enhancement of the maintenance amount, is highly not proportionate to the income of the petitioner.

6. Learned counsel for the respondent submitted that the petitioner is a retired Government employee and he is stated by the counsel to be getting only Rs.33,000/- per month as pension and the respondent-wife has no means of income and she is unable to maintain herself and therefore, she periodically filed petition for enhancement of the maintenance amount and she started it from Rs.500/- and all these years, she is suffering with meagre amount of maintenance and now, due to old age, she is not able to maintain with Rs.6,000/-. Therefore, the respondent-wife has filed petition for enhancement of the maintenance amount. The Family Court, considering the materials available on record, passed the order, which is reasonable.

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

8. The relationship between the parties is admitted and they are living separately is also admitted. The petitioner is a retired Government employee and admittedly, he is getting only Rs.33,000/- as pension as stated by his learned counsel. Considering the facts and circumstances of the case, the order of the Family Court granting Rs.15,000/- as maintenance is reasonable. However, the respondent/wife has not established that the husband has any other income and



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in the above circumstances, considering the age of the parties and the ailment and other things, Rs.15,000/- of maintenance ordered by the Family Court is reduced to Rs.12,000/- (Rupees twelve thousand only) per month.

9. With the above modification, this revision petition filed by the husband is dismissed. Consequently, the miscellaneous petition is closed.

26.03.2025

CS

To

1. The Vth Additional Principal Judge, Family Court, Chennai.
2. The Section Officer, Criminal Section Records Wing, High Court, Madras.



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P.VELMURUGAN, J

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