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CrI.R.C.No.1363 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.1363 of 2024
and
CrI.M.P.No.11624 of 2024
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V.Ramalingam, S/o Venkatachalam .. Petitioner
Vs.

A.Chitra Devi, W/o V.Ramalingam .. Respondent

Criminal Revision Case filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, against the order dated 12.03.2024 made in M.C.No.70 of 2017 on the file of the Additional Principal Judge, Family Court, Coimbatore.

For petitioner : Mr.K.N.Nataraj

For respondent: Mr.Stalin.D.

ORDER

The revision petitioner has filed the present revision petition challenging the order dated 12.03.2024 passed by the Additional Principal

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Judge, Family Court, Coimbatore in M.C.No.70 of 2017.

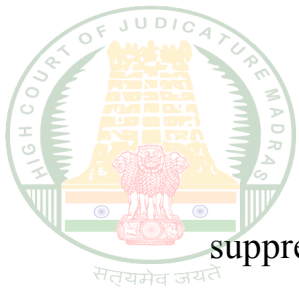
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2. The revision petitioner is the husband of the respondent. The respondent/wife has filed maintenance case and the Family Court, after appreciating the facts, passed an order directing to pay Rs.10,000/- as maintenance per month to the wife. Aggrieved by the same, the husband has filed the present revision petition.

3. Learned counsel for the revision petitioner submitted that the respondent filed maintenance case after 19 years belatedly and she is able to maintain herself all along and she is a woman of means and that is why, she has not filed the maintenance petition immediately.

4. The respondent-wife filed the maintenance case against the revision petitioner, who was working as Assistant Engineer and due to the false complaint given by the respondent, he has undergone imprisonment for more than seven months and he has also lost his Government job and now he is hardly earning Rs.22,000/- and is living with the second wife and child. According to the revision petitioner, the first wife is able to maintain herself and the respondent has got more than 50 sovereigns of gold jewels and having property and she is able to maintain herself and she has

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suppressed the material facts and she has not provided the statement of assets and liability. The Family Court has failed to consider these facts and ordered Rs.10,000/- as maintenance, which is not exorbitant and not proportionate to the proven income of the revision petitioner/husband.

5. Learned counsel for the respondent/wife submitted that the learned counsel for the petitioner/husband has made certain allegations which are not on record and the wife is unable to maintain herself and she is not having any means to maintain herself. Since the revision petitioner has made physical cruelty, she made a complaint and case was also filed and proved. However, the respondent is age old and now, she is not able to maintain herself and filed a petition for maintenance and the Family Court considered the above facts and ordered maintenance.

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

7. The relationship between the parties, is not in dispute. Both are living separately and the same is also not in dispute. The petitioner is an Engineering graduate and at the time of marriage, he was working as Assistant Engineer, though subsequently, due to the factum of dispute between the parties, he had lost his job and however, as a Civil Engineer



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being a Diploma-holder in Civil Engineering, and considering his qualification and the economic status and also taking into account the age of the respondent-wife, the Family Court ordered Rs.10,000/- as maintenance, which is only a meagre amount and is not exorbitant.

8. Therefore, in the above facts and circumstances of the case, there is no merit in this revision petition, which is accordingly dismissed. Consequently, the miscellaneous petition is closed.

26.03.2025

CS

To

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



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P.VELMURUGAN, J

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