

CRL.R.C.No.1447 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 14.08.2025

Coram:

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

CRL.R.C.No.1447 of 2025 &
CrI.M.P.No.15601 of 2025

S.Dhamodharan

...Petitioner

Vs.

D.Deepa

...Respondent

Prayer:

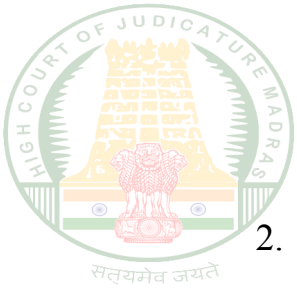
Criminal Revision filed under Section 438 r/w 442 of BNSS, 2023 to set aside the order passed by the Family Court, Vellore in F.C.M.C.No.28 of 2020 dated 27.06.2024.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.G.B.Rajesh

ORDER

The present Revision has been filed as against the order passed in F.C.M.C.No.28 of 2020 dated 27.06.2024 on the file of the Family Court, Vellore, thereby monthly maintenance of Rs.13,000/- was ordered in favour of the respondent.

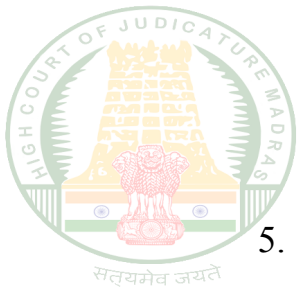


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2. The petitioner is the husband of the respondent and they got married on 21.02.2018. Due to misunderstanding between them, they got separated and the respondent is living separately. Therefore, the respondent was not able to maintain herself and hence, the respondent filed a petition for maintenance. After full fledged trial, the trial court awarded monthly maintenance of Rs.13,000/- payable by the petitioner in favour of the respondent. Aggrieved by the same, the present Revision has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is a military man and the respondent had voluntarily deserted the petitioner and living separately. In fact, the respondent filed a petition for divorce and it is pending, while pending divorce petition, the petitioner has filed a petition for restitution of conjugal rights and it is also pending. Further, the respondent is also in adultery relationship with other person, thereby pleaded to allow the present Revision.

4. The learned counsel for the respondent would submit that the petitioner is impotent and he is not able to have sexual intercourse with the respondent and suppressing the said fact, he got married with the respondent. Now, the respondent is residing in a rented house and she is not able to pay the rent, therefore, the trial court rightly awarded maintenance in favour of the respondent, thereby pleaded to dismiss the present Revision.



5. Heard the learned counsel on either side and perused the documents

placed on record.

6. A perusal of the entire records reveals that the respondent is working in a private concern and drawing a salary of Rs.4,000/- per month, therefore, she cannot maintain herself and admittedly, she is also residing in a rental house. The petitioner and the respondent are making allegations against each other and it has to be proved only in the divorce petition / restitution of conjugal petition pending before the trial court. However, considering the employment of the petitioner and earning of the respondent, this Court is inclined to reduce the monthly maintenance from Rs.13,000/- to Rs.8,000/- payable by the petitioner.

7. In view of the above, the present Revision is partly allowed and the monthly maintenance is hereby reduced from Rs.13,000/- to Rs.8,000/- . Accordingly, the respondent is directed to calculate the arrears of maintenance and file an appropriate petition to claim the arrears of maintenance. Further, the Family Court, Vellore is directed to dispose of the divorce petition [F.C.O.P.No.153 of 2020] filed by the respondent and restitution of conjugal rights filed by the petitioner [F.C.O.P.No.228 of 2021] within a period of six



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months from the date of receipt of copy of the order. Consequently connected

WEB COPY miscellaneous petition is closed.

14.08.2025

Index : Yes / No
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1. The Family Court, Vellore
2. The Public Prosecutor,
High court, Madras



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G.K.ILANTHIRAIYAN, J.

ssd

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