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Crl.RC.No.1991 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1991 of 2024

and

Crl.M.P.No.16194 of 2024

Dhinesh

... Petitioner

Vs.

Kokila

... Respondent

Prayer: Criminal Revision Case filed under Section 397 Cr.P.C./438 B.N.S.S. 2023, to set aside the fair and decreetal order dated 28.12.2023 passed in M.C.No.30 of 2023 by the Family Court, Dharmapuri.

For Petitioner : Mr.S.P.Arthi

For Respondent : No Appearance



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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the fair and decreetal order dated 28.12.2023 passed in M.C.No.30 of 2023 by the Family Court, Dharmapuri.

2. The case of the petitioner is that the respondent who is the wife of the petitioner, filed a maintenance case against the petitioner in M.C.No.30 of 2023 before the Family Court, Dharmapuri. invoking Section 125 Cr.P.C. seeking maintenance of Rs.40,000/- towards house rent, clothing, educational and medical expenses and Rs.4 lakhs per annum for other expenses. The learned Judge, Family Court after hearing the maintenance case ordered maintenance of Rs.20,000/- per month and Rs.2 lakhs per annum for medical and expenses. Aggrieved by the same, the husband has filed the present revision.

3. The learned counsel for the petitioner submitted that the petitioner/husband is having no income and he is not a man of means. The



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respondent/wife has not established the income of the petitioner. Even the

respondent herself has asked only Rs.10,000/- for medical expenses per annum. However, the learned Judge, ordered Rs.2 lakhs per annum which is over and above the claim. Therefore, the order passed by the family Court is liable to be set aside.

4. Though notice was served and the respondent entered appearance through counsel, none appeared on the side of the respondent.

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

6. It is seen that the petitioner has not disclosed the income in the affidavit of assets and liability statement and he has suppressed his income.

However, he has deposed during cross examination that his salary is Rs.1,90,000/-. Even in the counter, the petitioner has stated that his salary is Rs.1,57,000/- and out of which, he is paying EMI and other liabilities.

Therefore, the Family Court on finding that the petitioner is a man of means



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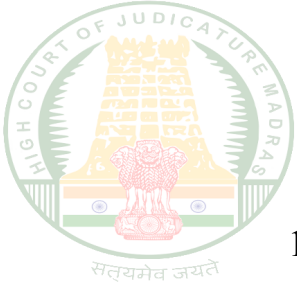
and he has not established that the wife is a woman of means and she is able to

maintain herself without the support of the petitioner/husband, ordered maintenance of Rs.20,000/- per month, which is reasonable.

7. However, it is seen that the respondent/wife herself has asked only Rs.10,000/- per month towards medical expenses, however, the learned judge has ordered Rs.2 lakhs per year for medical and other expenses.

8. Therefore, the said maintenance amount of Rs.2 lakhs per year ordered by the Judge, Family Court towards the medical and other expenses is reduced to Rs.1,20,000/- (Rs.10,000/-x12 months).

9. As stated above, considering the income and status of the petitioner/husband, price index raising day by day and the cost of living prevailing as on date, the order or maintenance of Rs.20,000/- per month to the respondent is reasonable and there is no reason to interfere with the same. However, the medical expenses ordered by the Family Court alone is modified to Rs.1,20,000/- per year (Rupees One Lakh Twenty Thousand Only).



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10. With the above modification, this Criminal Revision is dismissed.

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Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Family Court,

Dharmapuri.



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P.VELMURUGAN. J.

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