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Crl.R.C.No.1520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1520 of 2025
and Crl.M.P.No.15966 of 2025

V.Chelladurai

... Petitioner

Vs.

1.S.Senthamarai

2.C.Ramesh Kumar

3.C.Loga Priya

... Respondents

Prayer : Criminal Revision Case filed under Section 438 r/w 442 of B.N.S.S., pleased to set aside the order dated 29.05.2025 in M.C.No.74 of 2023 on the file of Family Court, Salem and allow the above Criminal Revision.

For Petitioner : Mr.R.Nalliyappan

ORDER

This Criminal Revision Case has been preferred against the order dated 29.05.2025 passed in M.C.No.74 of 2023 by the Family Court, Salem, thereby ordering monthly maintenance of Rs.7,500/- in favour of the 1st respondent herein and Rs.6,000/- in favour of the 3rd respondent herein.



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2. Heard the learned counsel appearing for the petitioner and also perused the materials available on record.

3. The marriage between the petitioner/husband and the 1st respondent/wife was solemnized on 29.11.1998 as per Hindu Customs and Rites and out of their wedlock, 1st respondent given birth to two children namely 2nd & 3rd respondent herein. Thereafter, due to misunderstanding, 1st respondent was driven out from her matrimonial home and living separately with her children. Meanwhile, the 1st respondent filed maintenance petition before the Family Court, Salem. After full pledged trial, the Family Court Judge, Salem awarded maintenance in favour of the 1st respondent as Rs.7,500/- and in favour of 3rd respondent Rs.6,000/- as monthly maintenance payable by the petitioner. As far as the 2nd respondent is concerned, she attained majority and as such maintenance petition was dismissed.

4. The learned counsel for the petitioner submitted that the petitioner is a non-practising advocate and he has no income to pay such a huge amount of maintenance. Hence, present revision is filed.



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5. On perusal of the records, it revealed that the petitioner is an advocate and whether he is practising or not that is not a matter to be consider when deciding the petition for maintenance. That apart, the trial Court had awarded only a meagre amount of Rs.7,500/- in favour of 1st respondent and Rs.6,000/- in favour of the 3rd respondent. According to respondents, petiitoner is a practising advocate and earning reasonable amount per month. Therefore, the Trial Court rightly awarded monthly maintenance in favour of the 1st & 3rd respondents and this Court does not find any infirmity or illegallity in the order passed by the trial court.

6. Accordingly, the Criminal Revision Case is dismissed.
Consequently, connected miscellaneous petition is closed.

21.08.2025

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sma

To
The Family Court, Salem.



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G.K.ILANTHIRAIYAN, J.
sma

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