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CrI.RC.No.1768 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1768 of 2024

Deepa Rajendran

... Petitioner

Vs.

Unnikrishnan

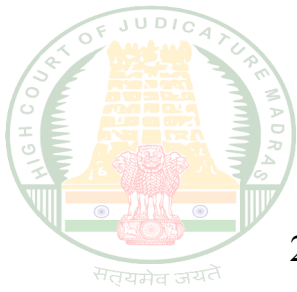
... Respondent

Prayer: Criminal Revision Case filed under Section 438 read with 442 of B.N.S.S. to set aside the order passed on 25.11.2022 in M.C.No.348 of 2013 on the file of Vth Additional Family Court, Chennai.

For Petitioner	: Mr.G.Mani Prabhu
For Respondent	: Mr.R.Thenmozhi

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order passed on 25.11.2022 in M.C.No.348 of 2013 on the file of Vth Additional Family Court, Chennai.



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2. The petitioner/estranged wife of the respondent filed a maintenance

petition in M.C.No.348 of 2013 on the file of Vth Additional Family Court, Chennai seeking maintenance for herself and minor son. The Family Court, by order dated 25.11.2022, partly allowed the petition directing the respondent to pay a sum of Rs.25,000/- per month to the petitioner and a sum of Rs.30,000/- per month to the minor son, in total Rs.55,000/- per month as maintenance.

Aggrieved by the order of maintenance, the petitioner has filed the present revision seeking enhancement of maintenance. Since the minor son attained majority, he is not a party to the present revision.

3. The learned counsel for the petitioner submitted that the respondent is earning more than Rs.1 Crore and even at the time of filing of the maintenance case, he was earning around Rs.2,50,000/- per month, but the learned Magistrate failed to consider the said fact. He also submitted that the respondent filed a petition for divorce in O.P.No.1343 of 2014 before the Family Court and the same was allowed by order dated 25.11.2022 and



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challenging the same, the petitioner filed an appeal before the Division Bench of this Court in C.M.A. No.156 of 2023 and the Division Bench by judgment dated 07.04.2023, set aside the judgment and decree passed in O.P.No.1343 of 2014 and remanded the matter back to the Family Court for fresh consideration after affording sufficient opportunities to both parties and now the same is pending for orders. However, since the petitioner is not having any means to maintain herself, she is entitled to get maintenance on par with the respondent/husband and since the maintenance amount ordered by the Family Court is very meagre and not sufficient to maintain herself, the petitioner has filed the present revision seeking enhancement of maintenance.

4. The learned counsel for the respondent submitted that the respondent/husband filed a petition before the Family Court for divorce on the ground of cruelty. Though the same was allowed, the petitioner challenged the same and the Division Bench of this Court set aside the decree of divorce and remanded the matter back to the Family Court for fresh consideration and the



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same is pending for orders. He further submitted that challenging the order of

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maintenance passed by the Family Court in M.C.No.348 of 2013 dated 25.11.2022, the respondent filed a revision before this Court in Crl.R.C.No.941 of 2024, but the same was disposed of by order dated 10.06.2024 confirming the order passed by the Family Court. Thereafter, the petitioner has filed the present revision. He would submit that this Court observed that considering the scope and object of Section 125 Cr.P.C., the order passed by the Judge, Family Court is confirmed. Therefore, there is no special reason or change in circumstances produced by the petitioner for enhancement of maintenance. Hence, this revision has to be dismissed and the order passed by this Court in Crl.R.C.No.941 of 2024 dated 10.06.2024 to be confirmed.

5. Heard and perused the materials available on record.

6. Admittedly, the petitioner is wife and the respondent is husband.

Before the Family Court, the respondent filed a petition for divorce in O.P.No.1343 of 2014 and the petitioner filed a maintenance case in



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M.C.No.348 of 2013 and both the cases were taken together by the Judge,

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Family Court and common order was passed by order dated 25.11.2022 and that the O.P. filed by the respondent/husband was allowed and the maintenance case filed by the petitioner/wife was partly allowed.

7. Aggrieved by the order of maintenance, the petitioner has filed the present revision seeking enhancement of maintenance. She also filed an appeal challenging the decree of divorce before the Division Bench of this Court in C.M.A. No.156 of 2023 and after hearing the appeal, the Division Bench remanded the matter back to the Family Court for fresh consideration and the same is pending.

8. It is seen that in O.P. or C.M.A., the petitioner has not filed petition invoking Section 24 or 25 of Hindu Marriage Act for interim maintenance or for permanent alimony instead, she filed the maintenance case under Section 125 Cr.P.C. and the Magistrate, considering the material and scope and object of Section 125 Cr.P.C. ordered maintenance of Rs.25,000/- to the



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petitioner/wife. This Court also, in the earlier revision filed by the respondent

in Crl.R.C.No.941 of 2024 confirmed the order passed by the Family Court.

9. Therefore, while considering the economical status of the parties and also the relationship of the parties, this Court is of the opinion that the maintenance ordered by the Family Court is reasonable and there is no compelled reason to interfere with the same. The son of the petitioner has attained majority. Therefore, there is no merits in this revision and the same is liable to be dismissed.

10. Accordingly, this Criminal Revision Case is dismissed.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Vth Additional Family Court,
Chennai.



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P.VELMURUGAN. J.

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