



WEB COPY

CRL RC No. 2085 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 2085 of 2024

and

CRL MP No.16722 of 2024

1. M.Balaji

S/o.Murugan,

Door No.53/6, West Canal Bank Road,

Kottur, Chennai - 600 085.

Petitioner(s)

Vs

1. M.Amsa

D/o.Late Mari. Door No.51,

Chetty Thottam Street, Alandur Road,

Saidapet, Chennai - 600 015.

Respondent(s)

PRAYER:Criminal Revision Petition filed under Section 438 read with Section 442 of BNSS, 2023, to call for the records pertaining to the order dated 13.03.2024 in M.C.No.137 of 2023 passed by the V Additional Principal Family Court, Chennai.



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For Petitioner(s): No appearance

For Respondent(s): M/s.Mohan Raj

ORDER

This Criminal Revision Petition has been filed to call for the records pertaining to the order dated 13.03.2024 in M.C.No.137 of 2023 passed by the V Additional Principal Family Court, Chennai.

2. Today, when the matter is taken up for hearing, there is no representation for the petitioner. Heard the learned counsel for the respondent and perused the materials available on record.

3. The petitioner is the husband and respondent is the wife. The respondent/wife filed the maintenance case as against the petitioner in M.C.No.137 of 2023 on the file of the V Additional Principal Family Court, Chennai.

4. The learned Judge, Family Court, after enquiry, ordered a sum of Rs.20,000/- per month as maintenance, vide order dated 13.03.2024 in M.C.No.137 of 2023. Challenging the same, the petitioner has filed this criminal revision petition.



5. Today, when the matter is taken up for hearing, there is no representation for the petitioner. Since the revision petition arises out of the order of maintenance, this Court is inclined to dispose of the revision petition on merits.

6. Despite giving sufficient opportunity, the petitioner has not appeared before this Court for prosecuting the matter. There is no representation from the side of the petitioner.

7. It is seen from the records, that there is no dispute between the parties with regard to the marriage and also the relationship between the parties. Both the petitioner and the respondent are living separately. The petitioner has stated that the respondent/wife left the matrimonial home without any valid reason. However, the respondent has given reason for desertion. The petitioner has shown “nil” income in his affidavit of assets and liabilities, however, he has stated that he borrowed Rs.7 Lakhs and also paying EMI, which is unbelievable. Without any financial assistance, he cannot get a loan from any financial institution. The petitioner has suppressed the factum of income. The learned Judge, Family Court, rightly considered the facts and circumstances of the case



and ordered Rs.20,000/- as maintenance.

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8. Considering the facts and circumstances of the case, this Court does not find any compelling reasons to interfere with the impugned order passed by the learned Judge, Family Court.

9. Therefore, this Criminal Revision is dismissed. Consequently, connected miscellaneous petition is closed.

28-03-2025

mfa

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

V Additional Principal Family Court,

Chennai.



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P.VELMURUGAN J.

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