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Crl.R.C.No.1960 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1960 of 2024

and

Crl.M.P.No.16034 of 2024

Md.Noorul Ameen

... Petitioner

..VS..

1. Rehana Fathima

2. Mohammed Talhah

... Respondents

Criminal Revision Case filed under Section 438 read with 442 of BNSS, praying to set aside and reduce the maintenance amount of Rs.40,000/- in total directed to be paid to 1st and 2nd respondents by order dated 19.09.2024 in M.P.No.486 of 2024 in M.C.No.302 of 2023 on the file of the IV Additional Family Court, Chennai.

For Petitioner : Mr.A.Parveen

For Respondents : Mr.M.Hussaini Basha



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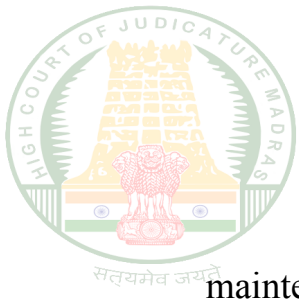


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ORDER

This Criminal Revision Petition is filed to set aside and reduce the maintenance amount of Rs.40,000/- in total, directed to be paid to 1st and 2nd respondents, by order dated 19.09.2024 in M.P.No.486 of 2024 in M.C.No.302 of 2023 on the file of the IV Additional Family Court, Chennai.

2. The petitioner is the husband, the first respondent is the wife and the second respondent is their minor child. The respondents herein filed a maintenance case in M.C.No.302 of 2023 before the IV Additional Family Court, Chennai. Pending maintenance case, the respondents have filed an application for interim maintenance in M.P.No.486 of 2024. The learned Judge, after hearing the arguments of both sides and also considering the Affidavit of Assets and Liabilities of both the parties, passed an order directing the petitioner-husband to pay a sum of Rs.25,000/- per month to the first respondent-wife and Rs.15,000/- per month to the second respondent-minor child as interim



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maintenance. Aggrieved by the same, the husband has filed the present petition.

3. Learned counsel for the petitioner submitted that the first respondent-wife is working as a teacher in an international School and earning more than Rs.20,000/- per month. The petitioner-husband is ready to take care of his minor son and also ready to meet out the expenses. Learned counsel further submitted that during the enquiry itself, the petitioner-husband had handed over the jewels and other house hold and silver articles to the first respondent-wife. The first respondent-wife is having sufficient means to maintain herself. It is further submitted that the petitioner-husband is earning a sum of Rs.60,000/- per month. He has obtained loan and same is being deducted from his salary and that he has to maintain his age old parents also. Hence out of Rs.60,000/- the petitioner is not able pay a sum of Rs.40,000/- in total as interim maintenance to the respondents, which is an exorbitant amount. Hence the present petition has been filed by the petitioner-husband

4. Learned counsel for the respondents submitted that the



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petitioner-husband is working as a Senior Software Engineer and earning a sum of Rs.1,50,000/- per month, apart from that he is doing business with his friends and also earning income, which is evident from the Affidavit of Assets and Liability of the petitioner-husband. Learned counsel further submitted that the respondents had been left abandoned by the petitioner, without any care either as dutiful husband or as a father of the child. The respondents are now taking shelter under the parents of the first respondent. The petitioner is a man of means. The learned Judge, after carefully going through the economic status of the petitioner-husband, directed the petitioner-husband to pay a sum of Rs.40,000/- per month in total to the respondents. Hence there is no merit in the present petition and the same may be dismissed.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the relationship between the parties and the employment of the petitioner-husband, are not in dispute. There is no dispute that both the petitioner-husband and the first respondent-wife are living separately and the second respondent-minor child is under the care



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and custody of the first respondent-wife. The main contention of the respondents is that the petitioner is earning a sum of Rs.1,50,000/- per month and the Court below had rightly ordered a sum of Rs.40,000/- per month in total as interim maintenance to the respondents.

7. Per contra, the learned counsel for the petitioner submitted that the first respondent-wife is working as a teacher and earning more than Rs.20,000/- per month and she is able to maintain herself and hence the interim maintenance amount as ordered by the Court below, may be reduced and the petitioner-husband is ready to take care of his minor child-second respondent and bear his expense.

8. On a perusal of the records, particularly the impugned order of the Court below, it is seen that the Court below, after considering the earning capacity and economic status of both the parties and also taking note of the cost of living, directed the petitioner-husband to pay a sum of Rs.40,000/- per month in total, to the respondents as interim maintenance.



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9. It is well settled that the husband is duty bound to maintain his dependants, regardless of his job and income. The petitioner-husband is having sufficient means to pay maintenance to the respondents, who are none other than his wife and minor son and it is also his responsibility and moral duty to take care of his wife and child by paying the maintenance.

10. Considering the facts and circumstances of the case and also considering the economic status of both the parties and also taking into account the cost of living, this Court does not find any reason to interfere with the impugned order of the Court below and hence, this revision petition is liable to be dismissed. However, learned IV Additional Principal Judge, Family Court, Chennai is directed to dispose of the maintenance case in M.C.No.302 of 2023 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.



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11. With the above directions, this Criminal Revision Petition is dismissed. Consequently connected miscellaneous petition is closed.

04.02.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
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To
The Presiding Officer,
IV Additional Family Court,
Chennai.



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P.VELMURUGAN, J.

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