



WEB COPY



Crl.RC.No.249 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.249 of 2025 and

Crl.M.P.No.2010 of 2025

C.Nagarajan

... Petitioner

Vs.

M.Vennila

... Respondent

Prayer: Criminal Revision Case filed under under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.267 of 2021 in M.C.No.14 of 2010, dated 06.08.2024, on the file of the Court of the learned Judge, Family Court at Krishnagiri.

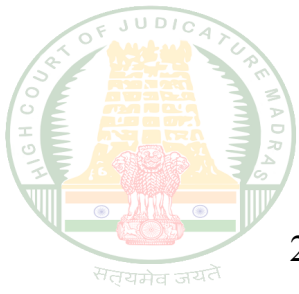
For Petitioner

: Mr.MA.Gunthaman

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order passed in Crl.M.P.No.267 of 2021 in M.C.No.14 of 2010, dated 06.08.2024, on the file of the Family Court at Krishnagiri.

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2. The petitioner is husband and the respondent is the wife of the petitioner.

3. The case of the petitioner is that earlier, the respondent along with her son filed a maintenance case in M.C.No.14 of 2010 before the Chief Judicial Magistrate, Krishnagiri, under Section 125 Cr.P.C. The learned Judge, after enquiry ordered maintenance of Rs.2,500/- per month to the respondent/wife and a sum of Rs.5,000/- per month to the son by order dated 10.12.2011. Thereafter, after a period of 9 years i.e. in the year 2021, the respondent filed a petition in Crl.M.P.No.267 of 2021 in M.C.No.14 of 2010 invoking Section 127 Cr.P.C. seeking enhancement of maintenance. The learned Judge, Family Court by order dated 06.08.2024, enhanced the monthly maintenance of the respondent from Rs.2,500/- to 6,000/- . Against which, the present revision has been filed by the petitioner/husband.

4. The contention of the petitioner/husband is that the petitioner is a senior citizen and that he incurred huge expenses in performing his daughter's



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marriage and that he has been repaying the loan from his pension. Therefore,

the petitioner is not in a position to pay the enhanced maintenance to the respondent /wife.

5. Heard the learned counsel for the petitioner and perused the materials available on record. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

6. It is seen that in the year 2010, the respondent filed the petition against the petitioner seeking monthly maintenance in which, the Family Court ordered a sum of Rs.2,500/- towards monthly maintenance to the petitioner and a sum of Rs.5,000/- to the child. Thereafter, after a period of 9 years, the respondent filed another petition invoking Section 127 Cr.P.C. seeking enhancement of maintenance. Though the respondent had sought maintenance of Rs.20,000/- per month, the learned Judge, Family Court, by considering the raising prices and the cost of living and also considering the fact that both the petitioner and respondent are senior citizens and that the respondent was



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receiving only pension of Rs.34,848/-, enhanced the maintenance amount from

Rs.2,500/- to Rs.6,000/- only. This Court finds no perversity in the order passed by the Judge, Family Court.

7. Therefore, this Criminal Revision Case is dismissed at the admission stage itself. Consequently, connected Miscellaneous Petition is closed.

8. The petitioner is directed to pay the arrear amount if any within the period as stipulated by the Family Court and the petitioner is also directed to comply with the order of the Family Court.

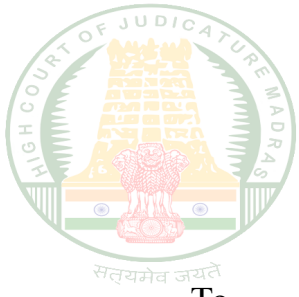
05.02.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
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The Family Court
Krishnagiri.



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P.VELMURUGAN. J.

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