



Crl.R.C.Nos.2336 of 2024 and 209 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.Nos.2336 of 2024 and 209 of 2025 and
Crl.M.P.No.18055 of 2024

Sanjeev Gadad

...Petitioner in Crl.R.C.No.2336/24

1. Pooja Hegde

2. Minor Aadhya

Rep. by her mother and natural guardian

Pooja Sadashiva Hedge

...Petitioners in Crl.R.C.No.209/25

Vs.

1. Pooja Sadashiva Hedge

2. Minor Aadya Gadad

Rep. by her mother and natural guardian

Pooja Sadashiva Hedge

...Respondents in Crl.R.C.No.2336/2024

Sanjeev Gadad

...Respondent in Crl.R.C.No.209/2025

Prayer in Crl.R.C.No.2336/2024: The Criminal Revision filed under Section 438 of BNSS seeking to call for records and set aside the impugned



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order dated 04.11.2024 passed in M.C.No.268 of 2022 on the file of the IV Additional Family Court at Chennai by allowing present Criminal Revision.

Prayer in Crl.R.C.No.209/2025: The Criminal Revision filed under Section 438 r/w Section 442 of BNSS to call for records and enhance the prayer of the first petitioner in the fair and decreetal order passed in M.C.No.268 of 2022 on the file of the IV Additional Family Court at Chennai, dated 04.11.2024.

For Petitioners : Mr.D.Selvam in Crl.R.C.2336/24

M/s.B.Poongkhulali in Crl.R.C.209/25

For Respondents : M/s.B.Poongkhulali in Crl.R.C.2336/24

Mr.D.Selvam in Crl.R.C.209/25

COMMON ORDER

These criminal revisions are preferred against the order of maintenance passed in M.C.No.268 of 2022 dated 04.11.2024 by the learned IV Additional Principal Judge, IV Additional Family Court, Chennai.



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2 The petitioner in Crl.R.C.No.2336 of 2024 is husband and the respondents are wife and minor daughter. The first respondent/wife filed maintenance case against the petitioner/husband seeking maintenance for a sum of Rs.30,000/- per month for herself and Rs.50,000/- for the second respondent/minor daughter. The learned Additional Principal Judge, after hearing both the parties, by order dated 04.11.2024, granted a sum of Rs.50,000/- towards maintenance to the child and dismissed the petition as far as maintenance to the first respondent/wife is concerned.

3 Aggrieved against the order of maintenance, the husband has filed revision in Crl.R.C.No.2336 of 2024 seeking to set aside the order of maintenance and the wife has filed revision in Crl.R.C.No.209 of 2025 seeking to grant maintenance to her.

4 According to learned counsel for the husband, the wife is not dependent and she is a earning member and even though the Family Court



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initially ordered maintenance to her, but, at the time of disposing of the maintenance case, rejected the claim of the wife and has not awarded any maintenance to the wife, considering the educational qualification and earning capacity of the wife. The husband is ready to maintain his child and also take custody of the child. The wife has voluntarily deserted the petitioner/husband without any valid reason and she has not filed any proof for the income of the husband. The petitioner/husband has to maintain his aged parents. Further at present the petitioner/husband is unemployed and is pursuing his Ph.D. The Family Court failed to consider these aspects and erroneously awarded maintenance of Rs.50,000/-, which is on higher side and the same needs interference of this Court.

5 According to learned counsel for the wife and child, the petitioner/husband was gainfully employed till July 2024 and it is only after filing of the maintenance case and during cross examination the husband has come up with the story of unemployment. But there is no proof to show that the husband has left his job and studying in IIT. Even according to the husband, his salary was Rs.1,27,000/- for the month of June 2024. Further



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the husband did not produce his Bank statement, even after the Family Court insisted for the same. Hence the Family Court drew adverse inference against the petitioner/husband and ordered maintenance of Rs.50,000/- for the child but erroneously neglected to award maintenance to the wife.

6 Heard the learned counsel appearing on either side and perused the materials available on record.

7 Relationship of the parties are not in dispute. It is seen that the petitioner/husband himself, during cross examination, admitted that his last pay drawn was Rs.1,27,000/- for the month of June, 2024. Further even after the insistence of the Family Court, he did not produce his Bank statement to prove the fact of unemployment and therefore the petitioner withheld the best piece of evident to prove his unemployment and hence as rightly contended by the learned counsel for the wife and child, the Family Court drew adverse inference. The Family Court observed all the facts and stated reasons for awarding Rs.50,000/- towards maintenance for the child and also for not awarding maintenance to the wife, which are according to this



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Court well founded.

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8 Further, it is seen that pending the maintenance case only the petitioner quite his job and contended that he is unemployed. The petitioner/husband has not examined his previous employer or has not produced any relieving order from the employer to prove that he quit the job and pursuing his Ph.D. Therefore even though the Family Court declined to grant maintenance to the wife, considering the last pay drawn and the educational status of the petitioner/husband, awarded maintenance of Rs.50,000/- to the child.

9 This Court, being a revisional Court cannot sit in the arm chair of the appellate Court. The maintenance case itself is summary in nature, which can be decided based on the materials produced by both the parties. It is an admitted fact that the child is with the wife. The Family Court, considering the cost of living prevailing and the status of the petitioner/husband and the wife, has rightly awarded Rs.50,000/- towards the maintenance to the child and did not award any maintenance to the wife.



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This Court does not find any reason to interfere with the order of the Family Court, which is well reasoned.

10 Accordingly, both the criminal revision cases are dismissed.

Consequently connected miscellaneous petition is closed.

13.02.2025

Index : Yes/No
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To
The IV Additional Principal Judge,
IV Additional Family Court, Chennai.



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P.VELMURUGAN, J.,

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