



CrL.R.C.(MD)No.623 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.623 of 2025

and

CrL.M.P.(MD)No.6927 of 2025

Jeganath

... Petitioner

-VS-

Kamatchi

... Respondent

PRAYER : Criminal Revision Case is filed under Section 438 and 442 of BNSS, 2023, to call for the records and set aside the order passed by the learned Family Court, Thoothukudi, Thoothukudi District, in M.C.No.27 of 2023 dated 25.03.2025.

For Petitioner

: Mr.M.Jothi Basu

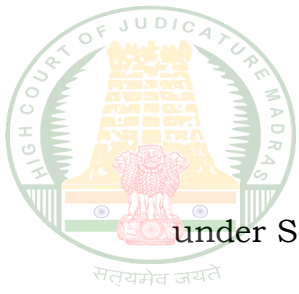
For Respondent

: No Appearance

ORDER

Challenging the order passed in M.C.No.27 of 2023 dated 25.03.2025, on the file of the learned Family Court, Thoothukudi District, this Criminal Revision Case is filed.

2.The respondent herein is the petitioner before the learned Family Court in maintenance case in M.C.No.27 of 2023. She filed an application



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under Section 125 of Cr.P.C, seeking Rs.50,000/- as monthly maintenance from the petitioner herein. The learned Trial Court proceeded to examine the respondent as P.W.1 and marked Ex.P1 to Ex.P6. The petitioner herein was examined as R.W.1 and marked Ex.R1 to Ex.R8. The learned Trial Court proceeded to record that the petitioner is a graduate and it is also observed by the learned Trial Court that while the petitioner and the respondent were living together, they had led a middle class life. On the basis of evidence deposed and documents marked, though the respondent had claimed that he is working as daily coolie and earning a daily wage of Rs.500/-, he failed to prove his income through relevant documents or proper evidence. However, the learned Trial Court was able to conclude that the respondent was not working as daily wagger from his own evidence in his cross examination. That apart, observing that the respondent is a hale and healthy man, who can very well engage himself in proper work/employment and it is his responsibility to maintain the wife, the learned Trial Court considering that they have lived a middle class family, proceeded to pass an order of monthly maintenance of Rs.6,000/- to the petitioner wife, who is the respondent herein. Challenging the same, this Criminal Revision Case is filed.

3.The learned counsel appearing for the petitioner submitted that the total arrears is Rs.1,38,000/- and 50% of the arrears amount has already paid to the respondent before the learned Trial Court and the monthly



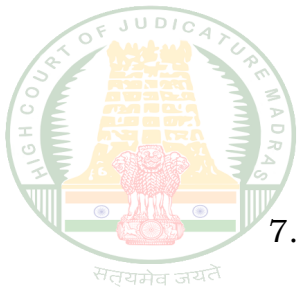
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maintenance of Rs.6,000/- is very exorbitant and he is not able to comply and pressed for allowing the Revision Case.

4.Though the notice has been served on the respondent and her name was printed, neither the respondent nor her Advocate turned up before this Court.

5.Heard the learned counsel for the petitioner and carefully perused the materials available on record.

6.A careful perusal of the records available would make it clear that the petitioner is leading a middle class life and earning a meagre amount. Hence, this Court is inclined to direct the petitioner to pay a sum of Rs. 5,500/- towards maintenance to the respondent from the date of filing of the present Revision Case. The petitioner is also directed to pay entire arrears to the credit of M.C.No.27 of 2023 on the file of the learned Family Court, Thoothukudi, within a period of one month from the date of receipt of copy of this order.



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7.In view of the above, this Criminal Revision Case is disposed of. No

Costs. Consequently, connected miscellaneous petition is closed.

05.08.2025

NCC :Yes/No

Index :Yes/No

Internet : Yes

Mrn

To

1.The Judge, Family Court, Thoothukudi District.



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L.VICTORIA GOWRI, J.

Mrn

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