



CrL.R.C.(MD)No.1189 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.1189 of 2024

Jeevitha

... Petitioner

-VS-

S.Aravindh

... Respondent

PRAYER : Criminal Revision Case is filed under Section 438 and 442 of BNSS, 2023, to call for the records and set aside the impugned order dated 29.03.2023 in M.C.No.30 of 2022 on the file of the Family Court, Karur and enhance the maintenance amount as prayed so far to the petitioner.

For Petitioner

: Mr.R.M.Arun Swaminathan

For Respondent

: Mr.H.Arumugam

ORDER

Challenging the order passed in M.C.No.30 of 2022 dated 29.03.2023, on the file of the learned Family Court, Karur, this Criminal Revision Case is filed.

2.The petitioner herein is the petitioner before the learned Trial Court and the respondent is her husband. The petitioner and the respondent got married in Murugan Temple, at Kakkavadi, on 22.02.2021



CrL.R.C.(MD)No.1189 of 2024

and commenced their matrimonial life in the respondent's parents house in a joint family step up. The petitioner lived with the respondent only for two months. Even on the first day of marriage, the respondent declared that he did not marry her out of his own volition and he disliked her. From the very instant of marriage, he did not show any interest on marriage life. As the result of which, the petitioner was put to untold mental agony. The respondent married the petitioner on the premise that he is running an auto finance business. However, without maintaining the petitioner by all means, the respondent lived an extravagant life and did not even co operate with the petitioner for begetting a child and even compelled her to intake tablet for avoiding pregnancy. Further he also compelled the petitioner to adopt the child of his younger brother.

2.1.While so, on 23.04.2021, without any reasons, the respondent subjected the petitioner to severe domestic abuse and chased her away from her matrimonial home. Following which, the petitioner coming to a conclusion that she cannot any longer get along with her husband filed H.M.O.P.No.46 of 2022 before the learned Family Court, at Karur. The same was allowed at the instance of both the parties. Since the respondent was earning a sum of Rs.2,00,000/- per month from his Aadhavan Bakery business and also his own business, the petitioner filed an application, seeking maintenance of Rs.15,000/- per month under Section 124 of Cr.P.C., in M.C.No.30 of 2022 before the learned Family Court, Karur.



CrL.R.C.(MD)No.1189 of 2024

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2.2.The learned Trial Court examined the petitioner wife as P.W.1 and marked Ex.P1 to Ex.P6 and the respondent and his relative Gunasekaran were examined as R.W.1 and R.W.2 and marked Ex.R1 to Ex.R8. On the basis of evidence deposed and materials available on record, the learned Trial Court had negated the claim of the petitioner and passed an order to pay a sum of Rs.5,000/- as monthly maintenance to the petitioner for the reason that the petitioner had failed to prove the income of the respondent husband and even the petitioner was not able to file documentary proof or evidence to prove that the respondent is earning Rs. 50,000/- per month.

2.3.That apart, the learned Trial Court recorded the fact that none of the properties, which was shown as her own properties belong to her, but the same belonged to her parents and the other properties are her ancestral properties. The learned Trial Court concluded that the properties belonged to her parents and as far as their ancestral property is concerned, no income was derived by the petitioner. However, taking into considering the evidence deposed by the respondent that the bakery business belongs to his father and he is earning an amount of Rs.2,000/- and also considering the fact that the petitioner was not able to prove the income of the respondent, the learned Trial Court proceeded to pass an order directing the respondent to pay Rs.5,000/- as monthly maintenance to the petitioner.



CrL.R.C.(MD)No.1189 of 2024

Challenging the same, this Criminal Revision Case is filed, seeking enhancement of the maintenance.

Submissions:-

3.The learned counsel appearing for the petitioner submitted that the respondent in his cross examination in H.M.O.P.No.46 of 2022, had fairly conceded that he is running Aadhavan Bakery and a tea shop. However, he had later submitted that it is not in his name but it is in his father's name, for which Ex.R8 has been marked, which would show that the Bakery and tea shop are in the name of his father. He further pointed out that he has declared his salary as Rs.50,000/- in the biodata which was given in Kongu matrimonial site and he is running an auto finance business and the same is marked as Ex.P5. He further pointed out that during the pendency of H.M.O.P. proceedings, he married for second time and his second wife is now proceeding for divorce and now he is in relationship with a third woman and his claim that he has no means to maintain the petitioner by providing a decent amount of maintenance is not sustainable and on that premise, he pressed for allowing the Revision Case.

4.The learned counsel appearing for the respondent fairly conceded that he married for second time. However, the petition for divorce filed by the second wife has already been dismissed and the allegation that he is heeding towards third marriage is totally denied. He also pointed out that



CrL.R.C.(MD)No.1189 of 2024

the petitioner in her cross examination fairly conceded that the respondent is an extravagant person and he has also borrowed the lot of money from unknown persons and he has been roaming all around without properly doing his finance business and without going to any other job and also indulging in cock fight and leading a wayward life. Pointing out the same, the learned counsel submitted that in such circumstances, obviously the respondent will not have any means to pay Rs.5,000/- which was ordered by the learned Trial Court.

5.Heard the learned counsels on either side and carefully perused the materials available on record.

6.The learned counsel for the petitioner did not provide any proof to substantiate that the respondent married for the second time and pursuing for a third marriage. The learned Trial Court had duly examined one witness on the side of the petitioner and two witnesses were examined on the side of the respondent and marked several documents on the side of both the parties. Only on the basis of documents marked before the learned Trial Court, the learned Trial Court had come to a conclusion that the business which is claimed to have run by the respondent stands in the name of his father and he do not have any independent business. The petitioner had filed an application before the learned Trial Court, claiming that the respondent is earning Rs.2,00,000/- and she miserably failed to



CrL.R.C.(MD)No.1189 of 2024

prove the same before the learned Trial Court and she was not even able to prove that the respondent is atleast earning Rs.50,000/- per month. Under such circumstances, I do not find any infirmity in the order passed by the learned Trial Court.

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

06.08.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

1.The Judge, Family Court, Karur.



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CrL.R.C.(MD)No.1189 of 2024

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.1189 of 2024

06.08.2025