



Crl.R.C.(MD)No.907 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.907 of 2024

and

Crl.M.P(MD)No.10030 of 2024

Thatchinamoorthy

... Petitioner/Respondent

Vs.

Shanthi

... Respondent/Petitioner

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, to call for records and to set aside the order of maintenance passed in M.C.No.2 of 2024 on the file of Family Court, Sivagangai, dated 12.06.2024.

For Petitioner : Mr.K.Vinayagan

For Respondents : Mr.A.Mohan

ORDER

Challenging the order passed by the learned Family Judge, Sivagangai in M.C.No.2 of 2024, dated 12.06.2024, this criminal revision case is filed.



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2. The petitioner/husband is the respondent in maintenance case and the respondent/wife is the petitioner in maintenance case. Seeking a monthly maintenance of Rs.50,000/-, the respondent/wife filed a maintenance case under Section 125 of the Code of Criminal Procedure. The learned Family Court examined the respondent / wife as P.W.1 and marked Exhibits P.1 to P.3. On the side of the husband, 3 witnesses were examined and 2 documents were marked as Exhibits B.1 and B.2. Thereafter, considering the arguments made by the respective parties and the evidence deposed by the respective parties, the learned Trial Court came to a conclusion that the respondent wife is entitled to receive an amount of Rs.9,200/- as monthly maintenance from her husband, from the date of filing of petition with cost of Rs.3,000/-. Challenging the same, this criminal revision case is filed.

3. The learned counsel for the petitioner submitted that the petitioner is only a Coolie worker who is assisting in a Bakery and he cannot provide a monthly maintenance of Rs.9,200/- and pressed for allowing the revision case by reducing the monthly maintenance awarded by the learned Family Court.



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4. Per contra, the learned counsel for the respondent submitted that they are separated for more than 19 years and they are blessed with a girl child and now she had attained the age of majority and she is 28 years old. Despite being the only daughter of the petitioner as well as the respondent, the petitioner husband is not at all taking any steps to get her daughter married and now, he had come before this Court even to get the maintenance awarded in favour of the respondent wife to be reduced and Rs.9,200/- with which two persons could not live with and pressed for dismissal of the criminal revision case.

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

6. On careful perusal of the materials available on record and evidence deposed by the respective parties before the Family Court, I do not find that the petitioner would not be able to pay an amount of Rs. 9,200/- as monthly maintenance to the respondent/wife and that apart, Rs.9,200/- is a paltry sum with which obviously two persons, i.e., the



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respondent and her daughter could not meet their day-to-day necessities in life.

7. Accordingly, the criminal revision case fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

01.08.2025

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

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To

- 1.The Family Judge,
Sivagangai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
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