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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(PD) (MD)No.2285 of 2014

and

M.P(MD)No.1 of 2014 and

C.M.P(MD)Nos.7042 of 2016 and 1602 of 2017

M.Ilamurugu

... Petitioner

vs.

1)Vanisha

(1st respondent was declared as major vide order dated 03.10.2016 made in CMP(MD)No.8619 of 2016)

2)Minor Varshini

Represented by mother and guardian

Muthumala

... Respondents

Petition filed under Article 227 of the Constitution of India, against the order dated 17.06.2014 passed in the application in I.A.No.414 of 2014 in O.S.No.5 of 2014 by the learned District Munsif, Ramanathapuram.

For Petitioner

: Mr.J.Barathan

For Respondents

: Mr.V.Sitharanjandas

ORDER

This revision petition has been filed against the interim order of maintenance passed by the Trial Court pending disposal of O.S.No.5 of 2014 on the file of the learned District Munsif, Ramanathapuram.

2.Though in the recital of the judgment, the trial Court has said that both the minor petitioners/respondents herein, together are entitled for Rs.8,000/- as interim maintenance per month, while concluding, it has mentioned as Rs.8,000/- per petitioner. Therefore, the ambiguity has caused inconvenience and additional burden on the revision petitioner. Further, it is also stated by the counsel for the revision petitioner that pending revision petition, the 1st respondent Vanisha has attained majority and her mother who was representing her, has been discharged from her guardianship by the order of this Court dated 03.10.2016.



3.The learned counsel for the revision petitioner submits that the revision petitioner is ready to deposit the entire arrears of maintenance mentioned in the impugned order calculating cumulatively Rs.8,000/- per month for both petitioners in the bank account furnished by the counsel for the respondents which stands in the name of the 1st respondent who has attained majority and taking note of the additional expenses to be incurred for the education of the 1st respondent, the revision petitioner is also ready to deposit an additional maintenance of Rs.2,000/- per month towards the educational expenses of the 1st respondent, in total, he agrees to pay Rs.10,000/- in the account maintained in the name of the 1st respondent with liberty to the 1st respondent to withdraw it and spend for herself and for the maintenance of the second respondent.

4.The learned counsel for the respondents submitted that by permitting the 1st respondent to act as the representative of the minor 2nd respondent, the status of the mother Tmt.Muthumala may change and that may cause prejudice to her in the pending litigation against the revision petitioner. It is vehemently submitted by the counsel for the respondents that the mother of these children cannot be denuded with the legal status of guardianship just because the petitioner has made bald allegation that the money paid to the minors will be withdrawn and be used by their mother Muthumala as per her whims and fancies.

5.This Court is not inclined to give any finding over such allegations or counter allegations. As a *parens patriae*, the interest of the children one of whom is minor, is to be protected and the process of getting due maintenance must be hassle-free and compatible for the respondents. For the said purpose, this Court is of the view that there is nothing wrong in directing the revision petitioner to deposit the maintenance in the account of the 1st respondent and permitting the 1st respondent to withdraw and make use of the money for their day-to-day maintenance as well as for their educational expenses. No doubt, as a natural guardian and mother Tmt.Muthumala will always have the parental supervision and guidance upon the respondents. The entire arrears shall be paid on or before 31.03.2017. The 1st respondent who is now permitted to withdraw the money on behalf of her minor sister/2nd respondent shall render Account once in three months to the learned District Munsif Court, Ramanathapuram in O.S.No.5/2014. It is again made it very clear that the 1st respondent is permitted to withdraw the money on behalf of the 2nd respondent only for the said limited purpose and this will not give inference to any other matter in issue, more particularly, the status of their mother Muthumala.

<https://hcservices.ecourts.gov.in/hcservices/>

With the above direction, the Civil Revision Petition is



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disposed of. No costs. Consequently, M.P(MD)No.1 of 2014 and C.M.P(MD)Nos.7042 of 2016 and 1602 of 2017 are closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Ramanathapuram.

+1 cc to MR.V.SITHARANJAN, Advocate SR.No.12658

+1 cc to MR.T.R.JEYAPALAN, Advocate SR.No.12699

CRP(PD) (MD)No.2285 of 2014
06.03.2017

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