



CrI RC .No.273 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI RC No.273 of 2018
and CrI MP No.3058 of 2018

Pandurangan
/Respondent

...Petitioner / Respondent

Vs.

1. Manohari

2. Manobabu

3. Bhuvaneshwari (Minor)

4. Udayadeekshana (Minor)
(Minor 3 and 4 rep. by their mother/next
Friend the 1st respondent herein)

...Respondents / Petitioners/
Petitioners

Prayer: Criminal Revision case is filed under Section 397 (1) r/w



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401 of Cr.PC to set aside the order dated 18.12.2017 in CrI MP No.28 of 2009 in MC No.12 of 1999 on the file of Family Court, Pondicherry and grant such other relief.

For Petitioner : Mr.R.Rajarajan

For Respondents : No Appearance

ORDER

This Criminal Revision case has been filed against the order passed by the Family Court at Pondicherry in CrI MP No.28 of 2009 in MC.No.12 of 1999 dated 18.12.2017 enhancing the compensation under Section 127 of Cr.PC from Rs.350 to Rs.2000/- per month for the respondents 2 to 4 payable from 29.01.2009 onwards.

2. Heard Mr.R.Rajarajan, learned counsel appearing on behalf of the petitioner.



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3. When the matter came up for final hearing on 16.03.2023, this Court passed the following order:-

The respondents have been served and their names have also been printed in the cause-list. They neither appear in person nor through counsel.

2. *This Criminal Revision case was filed against the order passed by the Family Court, Pondicherry, enhancing the maintenance amount and directing the petitioner to pay a sum of Rs.2,000/- to respondents 2 to 4 from 29.01.2009. Insofar as the 2nd respondent is concerned, the petitioner was directed to pay the enhanced maintenance till he attains majority and insofar as the 3rd and 4th respondents are concerned, the petitioner was directed to pay the enhanced maintenance till their marriage.*

3. *The learned counsel for the petitioner shall take instructions with regard to the status of respondents 2 to 4 as on today to enable this Court to pass final orders in this Criminal Revision case.*



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4. *Post this case under the caption for orders on 28.03.2023.*

4. The learned counsel for the petitioner filed a memo today and it has been stated as follows :-

1. *The petitioner respectfully submit that the petitioner has one son and two daughters through his first marriage with the respondent and now they all have attained majority. The petitioner's first son Manobaby got married and presently, he is working in a private concern and is earning monthly income of Rs.20,000/- (Rupees Twenty Thousand only). The petitioner's son is residing separately with his family.*

2. *The petitioner further respectfully submit that the petitioner's daughters namely Bhuvaneswari and Udayadheekshana are working*



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in the private company and receiving a salary to the tune of Rs.15,000/- (Fifteen thousand only) per month. The petitioner had offered many marriage proposal to both his daughters and they are refusing the same and they are also refused to get the maintenance from the petitioner. The petitioner's daughters are residing with their mother.

5. The Court below has taken into consideration the fact that Rs.350/- which was fixed as monthly maintenance in the year 1990 was not sufficient to maintain the children and hence, it was enhanced to Rs.2,000/- pm only for the children and they are respondents 2 to 4 in this criminal revision case. The Court below took into consideration the fact that the respondent was working at JIPMER Hospital and was earning Rs.25,000/- p.m. Considering the



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same and also after giving allowance for other expenses to be incurred by the petitioner, the Court below fixed a very reasonable amount of Rs.2,000/- towards maintenance of respondents 2 to 4. This Court does not find any illegality in the order passed by the Court below.

6. During the pendency of this Criminal Revision case, the 2nd respondent has become a major and hence, he will not be entitled for payment of maintenance after he attained majority. Insofar as the respondents 3 and 4 are concerned, even though they became major, the maintenance was directed to be paid till their marriage. Hence, insofar as respondents 3 and 4 are concerned, the petitioner has to necessarily pay the maintenance and the petitioner being the father cannot avoid payment of maintenance. The learned counsel for the petitioner submitted that the petitioner is willing to incur the expense for the marriage of the



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respondents 3 and 4, who are presently living with the 1st respondent. Till date, the petitioner has not even paid any amount towards maintenance and thereby, he has managed to get over the order passed by the Court below till now.

7. In view of the same, this Court does not find any merits in this Criminal Revision case and accordingly, the same stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

30.03.2023

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
rka

N. ANAND VENKATESH, J.



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To
Family Court, Pondicherry

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30.03.2023