



CrI.R.C.No.17 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

CrI.R.C.No.17 of 2024

S.Pradeep

... Petitioner

Vs.

Minor.Keerthanya Pradeep
Rep. by her mother S.Nandini
as natural guardian

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to set aside the order passed in C.M.P.No.42 of 2023 in M.C.No.202 of 2022 on the file of the Additional Principal Family Court, Coimbatore dated 10.10.2023 by allowing this criminal revision.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.V.Vijayakumar

ORDER

This Criminal Revision Case is filed against the order passed in C.M.P.No.42 of 2023 in M.C.No.202 of 2022 dated 10.10.2023 on the file of the learned Additional Principal Family Court, Coimbatore.



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2. The petitioner is the father and the respondent is the daughter and the marriage between the petitioner and his wife was solemnized on 23.08.2019. Out of their wedlock, the respondent was born to them. Subsequently, there was some matrimonial dispute between the petitioner and his wife and they are living separately. Thereafter, the respondent/daughter filed a maintenance case u/s 125 Cr.P.C. in M.C.No.202 of 2022 before the learned Additional Principal Family Court, Coimbatore seeking monthly maintenance of Rs.50,000/-. During the pendency of the maintenance case, the respondent has filed a petition u/s 125(1)(b) of Cr.P.C. in M.P.No.42 of 2023 before the trial court seeking for a direction to the petitioner to pay Rs.50,000/- to the respondent and the trial court, vide impugned order dated 10.10.2023 directed the petitioner to pay a sum of Rs.25,000/- p.m as interim maintenance to the respondent and also directed the petitioner to pay Rs.60,000/- per year to the respondent towards the school fees and incidental expenses in connection with the education from the academic year 2023-2024 till the disposal of M.C. Challenging the same, the petitioner/father has filed the present revision before this court.

3. Learned counsel for the petitioner submitted that the petitioner is only a tourist bus operator and his monthly income is only Rs.15,000/-,



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however, the trial court ordered a sum of Rs.25,000/- p.m. as interim maintenance in favour of the respondent, which is wholly unsustainable.

Accordingly, he prays for appropriate orders.

4. Learned counsel appearing for the respondent submitted that, the minor respondent's mother is working in the Tamil Nadu State Agriculture & Farmer Welfare Department as Junior Assistant and she was earning a sum of Rs.15,643/-, thereby she has not filed any maintenance case on her behalf as against the petitioner. In order to maintain the minor respondent, the present maintenance case has been filed, since the petitioner is a bus operator and he is earning nearly Rs.10,00,000/- p.m. through his bus operating business and rents received from his various properties. Considering the same, the trial court had passed the impugned order directing the petitioner to pay a sum of Rs.50,000/- p.m. as interim monthly maintenance to the respondent, which is just and reasonable. Accordingly, he prays for dismissal of the revision.

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



WEB COPY 6. There is no dispute about the marriage between the petitioner and mother of the minor respondent. The petitioner is the father and the minor respondent is the daughter. It is to be pointed out that it is the duty of the husband to maintain his wife and child and the comforts, which were available to the spouse and child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and child.

7. A perusal of the entire papers including the impugned order passed by the trial court would show that the minor respondent is under the care and custody of her mother. Though it is admitted by the mother that she is having independent income to take care of herself from her earnings, however, the petitioner has to contribute for the respondent, since he is also having equivalent responsibility to maintain the children. Further, it is claimed by the mother of the minor respondent that the petitioner is wealthy and earning more than Rs.10,00,000/- p.m. from his transport business and rents, which has been disputed by the petitioner by claiming that he is having the liability of car loan of Rs.40,00,000/- and business loan of Rs.7,00,000/-. However, in order to



prove the same, the petitioner has not produced any particulars with regard to the said loans. Therefore, the trial court has arrived at a conclusion that the petitioner has sufficient means to provide maintenance to the respondent and ordered a sum of Rs.25,000/- p.m. as interim maintenance and Rs.60,000/- per year towards the school fees and incidental expenses in connection with the education from the academic year of 2023 – 2024 till the disposal of the main case, which cannot be said to be excessive. Hence, this court is not inclined to interfere with the impugned order passed by the trial court.

8. In view of the above, this court is inclined to dismiss the revision in the following terms :-

(i) the petitioner is directed to pay the interim monthly maintenance as ordered by the trial court to the minor respondent on or before the 5th day of every English Calendar month, without fail;

(ii) the petitioner is also directed to pay the entire arrears of maintenance to the minor respondent, within a period of four (4) weeks from the date of receipt of a copy of this order;

(iii) further, the petitioner is directed to pay a sum of Rs.60,000/- per year to the minor respondent towards the school fees and incidental expenses in connection with the



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education from the academic year 2023 – 2024, if not, already
paid, till the disposal of main M.C.;

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M.DHANDAPANI, J.

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(iv) the trial court is directed to dispose of the main case in M.C.No.202 of 2022, within a period of five (5) months from the date of receipt of a copy of this order.

9. With the above directions, this Criminal Revision Case is dismissed.

However,

01.07.2024

Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

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To

The Additional Principal Family Court, Coimbatore.

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