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Crl.R.C.No.961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.961 of 2023
And
Crl.M.P.No.7811 of 2023**

P.Karthikeyan

... Petitioner

Vs.

1.K.Koushalya Devi
2.Dhanushree
Minor represented by
first respondent as Guardian
3.Sona Shree
Minor represented by
first respondent as Guardian

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to call for the records relating to the order dated 02.11.2022 in M.C.No.2 of 2020 passed by the learned Additional Family Judge, Coimbatore and set aside the same.

For Petitioner : Mr.G.Mageshkumar
For Respondents : Mr.A.Ramkumar

O R D E R

The criminal revision case has been filed seeking to set aside the order dated 02.11.2022 passed in M.C.No.2 of 2020 by the learned



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Additional Principal Judge, Additional Principal Family Court,
Coimbatore.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife and the respondents 2 and 3 are their daughters. It is alleged that the petitioner neglected to maintain the respondents, thereby, the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.2 of 2020 before the Additional Principal Family Court, Coimbatore claiming maintenance. After adjudication, the Court below directed the petitioner to pay a sum of Rs.10,000/- (Rs.5,000/- to the first respondent and Rs.2,500/- each to the respondents 2 and 3) as monthly maintenance from the date of petition and to pay the educational fees for the respondents 2 and 3 from the date of the said order. Challenging the same, the present revision has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is earning only a sum of Rs.13,000/- per month. Hence, the impugned order directing the petitioner to pay a sum of Rs.10,000/- as monthly maintenance and to pay the educational fees



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for the respondents 2 and 3 is not sustainable. The learned counsel further submitted that the first respondent is earning a sum of Rs.9,000/- and the salary certificate of the first respondent has been marked as Ex.X2 and further submitted that the petitioner is ready to pay a sum of Rs.7,500/- towards monthly maintenance.

4.The learned counsel appearing for the respondents submitted that the first respondent has to take care of herself and the children and further submitted that considering the present cost of living, the amount awarded by the Court below is just and reasonable.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

6.The facts of the case and the relationship between the parties is not disputed. It is the duty cast upon the petitioner to take care of his children. However, the petitioner is earning only a sum of Rs.13,000/- per month. Hence, the directing the petitioner to pay a sum of Rs.10,000/- as monthly maintenance is not sustainable. Further, the first respondent is earning a sum of Rs.9,000/- and it is



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through the salary certificate of the first respondent which has been marked as Ex.X2 before the Court below.

7.In view of the above, the amount awarded by the Additional Principal Judge, Additional Principal Family Court, Coimbatore in M.C.No.2 of 2020 dated 02.11.2022 is modified as follows:

'The petitioner herein is directed to pay a sum of Rs.7,500/- (Rs.2,500/- each) to the respondents herein as monthly maintenance, from the date of maintenance case petition and to pay the educational fees for the respondents 2 and 3 from the date of the order passed in M.C.No.2 of 2020 i.e., 02.11.2022.'

8.The petitioner is directed to deposit the entire arrears amount as per the modified award amount to the credit of M.C.No.2 of 2020 before the Additional Principal Family Court, Coimbatore, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order and shall continue to pay a sum of Rs.7,500/- per month to the respondents towards maintenance



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on or before 5th of every succeeding English Calender Month.

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9.This revision is allowed on the above terms. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Additional Principal Family Court,
Coimbatore.



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M.DHANDAPANI,J.
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