



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C. No. 940 of 2023

Minor P.Mohana Vendhan

Rep. By his mother Tamil Selvi

...Petitioner

Vs.

Parthiban

... Respondent

Criminal Revision filed under Section 397 read with Section 401 of Code of Criminal Procedure to set aside the order passed by the learned Family Court, Chengalpet in FCMC NO.15/2018 dated 03.11.2022 in so far it relates to granting monthly maintenance of Rs.6000/- to the minor child and forfeiting all other claims of the petitioner and further direct the respondent to pay maintenance to the minor petitioner as Rs.10, 000/- per month and a direction to the respondent to pay the arrear of interim maintenance from the date of filing of this petition.

For Petitioner : Ms.R.Renuka Devi

For Respondent : No appearance

ORDER

This Criminal Revision case has been filed to quash the order passed by the learned Family Court, Chengalpet in FCMC NO.15/2018 dated 03.11.2022 insofar it relates to granting monthly maintenance of Rs.6000/- to the minor child and forfeiting all other claims of the petitioner and further



direct the respondent to pay maintenance to the minor petitioner as Rs.10,000/- per month and a direction to the respondent to pay the arrear of interim maintenance from the date of filing of this petition.

2. The case of the petitioner is as follows:

The petitioner is the Son of the respondent. On behalf of the petitioner Minor Son, his mother filed a maintenance case before the Family Court, Chengalpat claiming maintenance for a sum of Rs.10,000/- per month for livelihood and further Rs.10,000/- for clothes and other expenses. After hearing the parties, the learned Judge, awarded a sum of Rs.6000/- to the petitioner. Challenging the said order, the present petition has been filed.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner's mother has not claimed any amount for her and she has earned sufficient means to maintain herself. It is the duty of the respondent to maintain his son. The learned Judge has awarded a sum of Rs.6000/- per month to the Son. But there was a confusion in the impugned order that whether the son is entitled to get maintenance amount from the date of the petition or from the date of the order. On the sole ground, the present



petition has been filed. This Court may clarify the said confusion.

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4. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent, none appeared on behalf of the respondent, name of the respondent has been printed in the causelist. Considering the pendency of the case, this Court is inclined to dispose the same on merits based on the available records.

5. The facts of the case and the relationship between the parties are not in dispute. This Court has carefully perused the order passed by the Trial Court wherein the learned Judge has not specifically mentioned as to whether the maintenance has to be paid from the date of petition or from the date of that order. Normally, any maintenance case is filed, the trial Court as well as this Court, passes the order of maintenance from the date of petition. Hence the maintenance has to be paid from the date of the petition.

6. Accordingly, the order of the trial Court is modified as follows:



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1. *The respondent is directed to deposit entire arrears for a sum of Rs.6000/- per month to the petitioner from the date of petition to May 2024 as maintenance; and*

2. *The respondent is continue to pay a sum of Rs.6,000/- (rupees six thousand only) per month to the petitioner towards maintenance from June 2024 towards maintenance on or before fifth day of every English Calender month without any default.*

7. With the above modification, this criminal revision case is disposed of.

18.08.2021

rli

Index : Yes/No

Speaking Order/Non speaking order

To

The Family Court Chengalpet.

M.DHANDAPANI,J.



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