



Crl.R.C.No.964 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.964 of 2024

1. A.Jayaprabha

2. P.Meena

3. P.Svetha

(Petitioners 2 and 3 represented by their mother,
viz., first petitioner)

... Petitioners

Vs.

A.Prabakaran

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 28.11.2023 made in M.C.No.01 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Ranipet.

For Petitioners : Mrs.Rahini Ravikumar
(Legal aid counsel)

for Mr.A.Prabakaran

For Respondent : Mr.Dharani Kasinathan



Crl.R.C.No.964 of 2024

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ORDER

The present criminal revision case has been filed to set aside the order dated 28.11.2023 made in M.C.N.01 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Ranipet.

2. The first petitioner is the wife and the respondent is the husband. The marriage between the first petitioner and the respondent was solemnized on 07.02.2001 and through the wedlock, the petitioners 2 and 3 were born. After sometime, the respondent started to harass the first petitioner by demanding dowry from her parents. Due to matrimonial dispute and misunderstanding, they are living separately. In such circumstances, the petitioners filed a petition in H.M.O.P.No.173 of 2018 on the file of the Subordinate Court, Ranipet and the same is pending for consideration. In the meantime, the petitioners filed a petition under Section 125 of Cr.P.C in M.C.No.01 of 2019 seeking maintenance. The learned Judge, after hearing both sides, allowed the petition by directing the



Crl.R.C.No.964 of 2024

WEB COPY

respondent to pay a sum of Rs.7,500/- each to the petitioners 1 and 3 as monthly maintenance on or before 5th of every English calender month. Since the second petitioner has attained majority, the petition was dismissed against her. Challenging the said order, the petitioners have filed the present revision petition.

3. The learned Legal Aid Counsel appearing for the petitioners submitted that the petitioners filed a petition in D.V.C.No.2 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Ranipet, wherein the Court below ordered a sum of Rs.10,00,000/- for the educational expenses of the children to be payable by the respondent to the petitioners, however the said amount has not been paid. That apart, the divorce case filed by the first petitioner in H.M.O.P.No.173 of 2018 was dismissed for default and no appeal was filed. The second petitioner is pursuing 4th year in Electronics and Communication Engineering and the third petitioner is pursuing 10th Standard. She further submitted that the first petitioner is facing difficult to take care of the educational expenses of the children and day-to-day



Crl.R.C.No.964 of 2024

expenses of the children. However, the respondent is a Central Government employee and is working in Southern Railways and earning more than Rs.80,000/- per month, however the Court below ordered a very meager amount of Rs.7,500/- to the petitioners 1 and 3, which is not justifiable. Hence, she filed the present petition for enhancement.

4. The learned counsel appearing for the respondent submitted that the maintenance amount awarded by the Court below is just and reasonable, which requires no interference. However, the respondent is ready and willing to pay the educational expenses to the petitioners 2 and 3.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. It is seen from the records that the first petitioner is unemployed and is facing difficult to take care of day-to-day expenses and educational



Crl.R.C.No.964 of 2024

WEB COPY

expenses of the children. Further, it has to be pointed out here that though the second petitioner being a girl child has attained majority, she is entitled for monthly maintenance till her marriage. Further, it is the duty of the father to take care of the educational expenses of his children. Hence, considering the fact that the respondent, who is a Central Government employee, is working in the Southern Railways and earning a sum of Rs.80,000/- per month and that the respondent is now ready to pay educational expenses of the petitioners 2 and 3, this Court is inclined to modify the order dated 28.11.2023 made in M.C.No.01 of 2019 with the following directions:

(i) the maintenance amount of Rs.7,500/- awarded by the Court below to the petitioners 1 and 3 shall stand enhanced to Rs.10,000/- and a like sum is also awarded as monthly maintenance to the second petitioner as well.

(ii) the respondent is directed to pay a sum of Rs.10,000/- each to the petitioners as monthly maintenance regularly on or before 7th of every English calendar month

(iii) It is made clear that the second petitioner is entitled for monthly maintenance till her



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Crl.R.C.No.964 of 2024

marriage.

(iv) The respondent is also directed to pay a sum of Rs.1,00,000/- towards educational expenses for final year of the second petitioner and to pay a sum of Rs.75,000/- per annum to the third respondent towards her educational expenses till completion of her studies. The above said amounts towards educational expenses for the current academic year shall be paid by the respondent within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Case is allowed with the above directions.

12.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Crl.R.C.No.964 of 2024

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To

The District Munsif-cum-Judicial Magistrate,
Ranipet.



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Crl.R.C.No.964 of 2024

M.DHANDAPANI, J.

vji

Crl.R.C.No.964 of 2024

12.06.2024