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Crl.R.C.No.837 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.837 of 2023
And
Crl.M.P.No.6407 of 2023**

Aravindhan

... Petitioner

Vs.

1.Dhanabakkiam

2.Minor.Gokul

(Minor represented by Next Friend/ Guardian

1st respondent Dhanabakkiam)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w Section 401 of Criminal Procedure Code, seeking to set aside the Fair order in M.C.No.52 of 2018 on the file of the Family Court, Dharmapuri dated 25.01.2023.

For Petitioner : M/s.V.Srimathi
For Respondents : Mr.V.Sakkarapani

ORDER

The criminal revision case has been filed seeking to set aside the order dated 25.01.2023 passed by the Family Court, Dharmapuri in M.C.No.52 of 2018.



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2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 11.03.2001 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.52 of 2018 before the Family Court, Dharmapuri seeking monthly maintenance of Rs.50,000/- and Rs.1 Lakh per annum towards educational expenses of the second respondent. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.30,000/- (Rs.15,000/- each) to the respondents towards monthly maintenance and Rs.2 Lakhs per annum (Rs.1 Lakh each) to the respondents towards medical and other expenses of the first respondent and educational, medical and other expenses of the second respondent from the date of petition i.e., 23.04.2018. The Court below also observed that the second respondent is entitled to get maintenance until he attains majority. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that though the petitioner is employed as Deputy Manager in TNSTC, he is



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receiving only Rs.30,000/- per month and hence the Court below directing the petitioner to pay a sum of Rs.30,000/- to the respondents towards monthly maintenance and Rs.2 Lakhs per annum (Rs.1 Lakh each) towards medical and other expenses of the first respondent and educational, medical and other expenses of the second respondent is not sustainable one. The learned counsel further submitted that the petitioner has to take care of his age old parents.

4.The learned counsel appearing for the respondents submitted that the second respondent has joined the Engineering Course during the academic year 2022 – 23 and it is the duty of the petitioner to take care of his son till the completion of education and further submitted that the petitioner is working as the Deputy Manager in TNSTC and earn more than Rs.80,000/- per month and hence, the impugned order warrants no interference.

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



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is not disputed. Admittedly, the petitioner is working as the Deputy

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M.DHANDAPANI,J.

Manager in TNSTC and the second respondent has joined the Engineering Course during the academic year 2022 – 23. It is the duty of the petitioner to take care of his wife and son. Considering the facts and circumstances of the case and the present cost of living, the impugned order is perfectly in order and warrants no interference.

7.This criminal revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

10.04.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Family Court,
Dharmapuri.

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