



Crl.R.C.No.1122 of 2024

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M.DHANDAPANI, J.

Today, this matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that, this Court, vide order dated 29.07.2024 allowed this Criminal Revision by reducing the monthly maintenance of Rs.10,000/- to each of the respondents to Rs.10,000/- to the 1st respondent and Rs.5,000/- each to the 2nd and 3rd respondents and further modified the annual payment of Rs.1,00,000/- to each of the respondents towards medical, educational and other expenses to Rs.1,50,000/- per annum to the respondents in toto. However, in sub clause (i) of the paragraph 11 of the said order dated 29.07.2024, inadvertently, a typographical error has crept in wherein, it is mentioned as Rs.1,50,000/- each per annum towards for medical, educational and other expenses to the respondents instead of Rs.1,50,000/- per annum to the respondents in toto, which requires to be modified. Learned counsel appearing for the respondents also ratified the above submissions made by the learned counsel for the petitioner.

3. After perusing the order dated 29.07.2024, more specifically, sub clause (i) of the paragraph 11, this Court is satisfied and accordingly, sub clause (i) of the paragraph 11 of the order dated 29.07.2024 shall stand



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modified as follows:

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“(i)This Court directs the petitioner to pay a sum of Rs.20,000/- (Rs.10,000/- to the first respondent and Rs.5,000/- each to the respondents 2 and 3) towards monthly maintenance and a sum of Rs.1,50,000/- per annum in toto towards medical, educational and other expenses to the respondents. The respondents 2 and 3 are entitled to get maintenance till they attain majority.”

4. All the other observations made in the earlier order dated 29.07.2024 shall remain intact.

5. Registry is directed to carry out the necessary correction as aforesaid in the order dated 29.07.2024 and issue fresh copy of the order to the learned counsel for the parties.

29.11.2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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And

Crl.M.P.No.9463 of 2024

Saravanan

... Petitioner

Vs.

1.Mohanapriya

2.S.Mithran (Minor)

3.S.Iniya Mithra

Rep. by her Mother 1st respondent

Mohanapriya

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in M.C.No.9 of 2021 on the file of learned Family Court, at Dharmapuri and set aside the order dated 25.09.2023.

For Petitioner : Mr.S.Velmurugan

For Respondents : Mr.R.Arun Prasath

O R D E R



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The criminal revision case has been filed seeking to set aside the order dated 25.09.2023 made in M.C.No.9 of 2021 by the Family Court at Dharmapuri.

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 01.05.2017 at Shri Krishna Thirumana Mandapam, Pennagaram Main Road, Indur and out of the wedlock, they were blessed with the respondent 2 and 3. 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.09 of 2021 before the Family Court at Dharmapuri, seeking monthly maintenance of Rs.35,000/- and a sum of Rs.1 Lakh per annum for food, clothing, shelter, medical and educational expenses. The Court below partly allowed the said case and directed the petitioner to pay a sum of Rs.10,000/- each per month from the date of petition i.e., 08.03.2021 towards maintenance and a sum of Rs.1 Lakh each per annum towards for medical, educational and other expenses to the respondents and further observed that the respondents 2 and 3 are entitled to get maintenance till they attain majority. Challenging the same, the present revision has been filed.



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3.The learned counsel for the petitioner submitted that before the Court below, the first respondent claim that at the time of marriage, the petitioner had completed B.E.(CSE) and was working at STI Info Tech, Bangalore and thereafter he is working at Bosch Limited Company as System Support Engineer and is earning about Rs.60,000/- per month and the first respondent had completed B.Sc.(Costume Fashion Designing) and was working at AKR Textiles Private Limited.

4.The learned counsel for the petitioner further submitted that due to matrimonial dispute, the first respondent made complaint before the Superintendent of Police, Dharmapuri on 04.01.2021 and the petitioner filed divorce petition before the Additional Sub Court, Dharmapuri in HMOP No.19 of 2021 and the same is pending. The learned counsel further submitted that the petitioner is employed as Senior IT Support Engineer in Vista Engineering Solutions Private Limited and is earning a sum of Rs.35,050/- and the employer contribution for Employer PF is Rs.1,950/- and with this salary, the petitioner has to take care of himself and his parents and hence, the Court below directing the petitioner to pay a sum of Rs.10,000/- each



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per month and a sum of Rs.1 Lakh each per annum to the respondents is not sustainable one. Hence, this Court may modify the amount awarded by the Court below.

5.The learned counsel appearing for the respondents submitted that the first respondent is the wife and the respondents 2 and 3 are the children of the petitioner. The petitioner has filed divorce petition before the Additional Sub Court, Dharmapuri in HMOP No.19 of 2021 and the same is pending, however, the petitioner has married one Banu on 31.12.2020 without the consent of the first respondent. The learned counsel further submitted that the first respondent has lodged a complaint against the petitioner before AWPS, Pennagaram in Cr.No.13 of 2021 for the offence under Sections 498(A), 294(b), 494, 506(ii) of I.P.C. and also filed DVC No.07 of 2021 before the Additional Mahila Court.

6.The learned counsel appearing for the respondents further submitted that the Court below considering the factual aspects and the present cost of living, directed the petitioner to pay a sum of Rs.30,000/- per month to the respondents towards maintenance and a sum of Rs.3 Lakhs per annum to the respondents for medical,



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educational and other expenses, which is just and reasonable and further submitted that the Court below has observed that the respondents 2 and 3 are entitled to get maintenance till they attain majority and hence the impugned order warrants no interference.

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

8.The grounds on which maintenance can be rejected to the wife can be on the ground that wife is able to maintain herself and she has the requisite means to maintain herself; that she is living in adultery; and where the person, who offers to maintain his wife on condition of her living with him and she refuses to live with him.

9.In the case on hand, it is not the case of the petitioner that his wife has sufficient means to maintain herself by her earnings or that she is living in adultery or that he is ready to maintain her if she comes and lives with him, but his wife is refusing to unite with him. There is no specific plea on the aforesaid three fronts and therefore, necessarily the wife is entitled to maintenance and appreciating the above in proper perspective, the Court below has granted maintenance.



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10. Perusal of records reveal that the petitioner is employed as Senior IT Support Engineer in Vista Engineering Solutions Private Limited and is earning a sum of Rs.35,050/- and after deductions, he receive only a sum of Rs.33,050/- and the employer contribution for Employer PF is Rs.1,950/- and with this salary, the petitioner has to take care of himself and his parents and hence, the Court below directing the petitioner to pay a sum of Rs.10,000/- each per month towards maintenance and a sum of Rs.1 Lakh each per annum towards for medical, educational and other expenses to the respondents is not sustainable one and warrants interference.

11. In view of the above, this Court is inclined to set aside the impugned order and pass the following order:

(i) This Court directs the petitioner to pay a sum of Rs.20,000/- (Rs.10,000/- to the first respondent and Rs.5,000/- each to the respondents 2 and 3) towards monthly maintenance and a sum of Rs.1,50,000/- each per annum towards for medical, educational and other expenses to the respondents. The respondents 2 and 3 are entitled to get maintenance till they attain majority.

(ii) The petitioner shall deposit the entire arrears amount, as



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awarded by this Court, to the credit of M.C.No.9 of 2021 on the file of learned Family Court at Dharmapuri, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.20,000/- per month to the respondents towards maintenance on or before 7th of every succeeding English Calendar Month.

12.This criminal revision case is allowed on the above terms. Consequently, the connected miscellaneous petition is closed.

29.07.2024

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

To

1.The Family Court at Dharmapuri.



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