



Crl.RC.No.572 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2024

CORAM :

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.572 of 2022
and
CRL.MP.No.5952 of 2022

J.Thiruvenkatesan

.. Petitioner

Vs.

1.P.Rajalakshmi

2.T.Varun

... Respondents

Petition filed under Sections 397 r/w 401 of Code of Criminal Procedure to call for the records in M.C.No.165 of 2019 dated 07.12.2021 on the file of the VI Additional Family Court at Chennai and set aside the same.

For Petitioner : Mr.M.Himavanth

For Respondents : Mr.T.Karthikeyan

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order passed in M.C.No.165 of 2019 dated 07.12.2021 on the file of the VI



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Additional Family Court at Chennai and set aside the same.

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2. It is the case of the petitioner that the marriage between the petitioner / husband and the first respondent / wife was solemnized on 04.06.1998 as per Hindu rites and customs at Thirumala Thirupathi Temple. Out of the said wedlock, they were blessed with a male child namely Varun who is the second respondent in this petition. Due to some misunderstanding, the petitioner filed divorce petition in O.P.No.1970 of 2016 and the first respondent filed a petition seeking restitution of conjugal rights in O.P.No.3989 of 2018. Thereafter, the first respondent has also filed a petition in M.C.No.165 of 2019 seeking maintenance u/s.125 of Cr.P.C. seeking maintenance in a sum of Rs.20,000/- each to herself and her son and all the cases filed by the petitioner and the first respondent were taken up by the VI Additional Principal Family Court, Chennai and were disposed of by way of a common order dated 07.12.2021 and allowed the divorce petition filed by the husband, dismissed the petition filed by the wife seeking restitution of conjugal rights and partly allowed the maintenance petition filed by the wife directing the husband to pay a sum of Rs.15,000/- per



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month to the wife and Rs.12,000/- per month to the second respondent / son

in total a sum of Rs.27,000/- was granted to both the respondents and further ordered to pay a sum of Rs.10,000/- towards the litigation expenses of the wife. Challenging the said order in respect of the maintenance fixed by the trial Court in respect of the son of the petitioner, the present petition has been filed.

3. Learned counsel for the petitioner submits that the petitioner has filed the present revision case along with a petition in Crl.M.P.No.5952 of 2022 seeking grant of interim stay of the operation of impugned order in M.C.No.165 of 2019 dated 07.12.2021, however, this Court vide order dated 28.04.2022 granted an order of interim stay, in respect of the payment of maintenance to the second respondent alone after the period of 24.10.2020 onwards as the second respondent intended to receive maintenance amount even after attaining majority (18 years) i.e., on 24.10.2020. He further submits that besides paying monthly maintenance amount to the wife, the entire tuition fees, additional tuition fees, auto fare, school uniform fees, etc for the son Varun are being entirely paid by the



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petitioner till the order dated 28.04.2022 passed by this Court. He further submitted that once the second respondent attained majority, he is not entitled for maintenance.

4. Learned counsel for the respondents submits that though the second respondent completed 18 years as on 24.10.2020, however, it is the duty cast upon the father to maintain his son. As the second respondent is participating in the Zonal Level Competition in Sports and now he is pursuing in States, the learned counsel prays this Court to grant maintenance till the second respondent attains 21 years of age and thereafter he will manage his day to day expenses.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. Admittedly pursuant to the order passed by the trial Court, an order of interim stay, in respect of payment of maintenance to the second respondent alone after the period of 24.10.2020 was granted by this Court



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vide order dated 28.04.2022 in Crl.M.P.No.5952 of 2022 in

Crl.R.C.No.5952 of 2022. However, it is the grievance of the petitioner that the second respondent is not entitled for maintenance after completion of 18 years which is after the period of 24.10.2020. Though such a contention has been raised by the petitioner, it is the duty of the petitioner to maintain his child and as the second respondent cannot earn at the tender age of 18 years, this Court is of the view that, awarding maintenance to the second respondent till the age of 21 years would be just and reasonable.

7. In view of the above, the interim order dated 28.04.2022 made in Crl.M.P.No.5952 of 2022 is relaxed and the petitioner is directed to pay the arrears of the maintenance amount to the second respondent at the rate of 12,000/- per month as ordered by the trial Court till he attains 21 years within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that the order passed in M.C.No.165 of 2019 in respect of the first respondent shall not be altered.

8. With the above observation, this Criminal Revision Petition is



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dismissed and consequently, connected miscellaneous petition is also
dismissed.

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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The VI Additional Family Court at Chennai



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M.DHANDAPANI, J.

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