



Crl.R.C.No.706 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.04.2024

CORAM:

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

Crl.R.C.No.706 of 2024
and
Crl.M.P.No.6544 of 2024

S.Pakkirisamy

...Petitioner

Vs.

P.Aarthi

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order passed by the Learned Family Court, Karaikal in M.C.No.04 of 2023, dated 23.02.2024 and allow the revision petition.

For Petitioner : Mr.S.Parthasarathy

ORDER

This Criminal Revision has been filed seeking to set aside the order dated 23.02.2024 made in M.C.No.04 of 2023 by the Learned Family Court, Karaikal.



2. The petitioner herein is the father of the respondent. It is the

case of the petitioner that when the respondent was minor, there was a matrimonial dispute between the petitioner and the respondent's mother namely Punitha, due to which a divorce was granted in H.M.O.P.No.60/2006. Alleging that the entire educational expenditure of the respondent was borne by her maternal grand father, the respondent had filed a petition under section 125 of Cr.P.C in M.C.No.04 of 2023 claiming a sum of Rs.5,00,000/- from the petitioner/father for her Higher Education before the Learned Family Court, Karaikal wherein, the trial court, after adjudication, awarded a sum of Rs.1,50,000/- to be paid by the petitioner by its order dated 23.02.2024. Challenging the same, the present revision has been filed.

3. Learned counsel for the petitioner would submit that admittedly, the respondent was minor when divorce was granted in HMOP.No.60/2006. Though the respondent claims her grand father to have borne the entire educational expenditure and had obtained loan from various persons to meet her educational expenditure, no documents have been produced by her to



substantiate the said claim and also the petitioner being aged about 59 years, he is not in a position to earn and pay the college fee. In such circumstances, a direction issued by the trial court for payment of Rs.1,50,000/- towards the educational expenditure of the respondent is not sustainable. He further submitted that the respondent had now completed her studies and working in a Private Company and is earning sufficient income. Therefore, she can very well maintain herself and hence, the respondent is not entitled to claim any compensation as awarded by the trial court. Accordingly, he prays for allowing this criminal revision.

4. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

5. There is no dispute with regard to the relationship between the petitioner and the respondent. The respondent herein is the daughter of the petitioner. Admittedly, there was a matrimonial dispute between the petitioner and the respondent's mother for which a divorce was granted in H.M.O.P.No.60/2021.



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6. The issue arises in the revision petition is whether the respondent/daughter is entitled to receive the award amount from the petitioner/father towards her higher educational expenditure. The main contention of the petitioner is that no documents have been produced by the respondent/daughter with regard to the loans availed by her for the purpose of meeting her Educational Expenditure. Merely because the petitioner has attained 59 years old and therefore he cannot earn cannot be the ground to exempt himself from his responsibility as a father to bear the cost of his daughter's education. However, on perusal of the entire papers available on record, it is evident that after divorce, the petitioner has not spent any amount for his daughter's education while it is the case of the respondent that the entire educational expenditure of the respondent has been borne out by her mother and grand father. It is to be pointed out that it is the duty of the father to maintain his child and the comforts, which were available to the child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute.



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7. In such circumstances, this Court is of the view that the Trial Court, based on the oral and documentary evidence has rightly awarded a sum of Rs.1,50,000/- towards educational expenditure to be paid by the petitioner which cannot be said to be exorbitant and that the respondent being the daughter of the petitioner, he is duty bound to pay the educational fee of the respondent. Hence, the award passed by the Trial Court cannot be interfered with and this Court finds no merit in entertaining the present revision and the same deserves to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed and the order made in M.C.No.04/2023 dated 23.02.2024 passed by the Family Court, Kairaikal is confirmed. Consequently, the connected criminal miscellaneous petition is closed.

18.04.2024

NHS

Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

To

The Family Court, Karaikal.

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