



Crl.R.C.No.1053 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.R.C.No.1053 of 2023

and

Crl.M.P.No.8427 of 2023

J.Marudanayagam

...Petitioner

vs.

1. Hariharan, J.M.

2. M.Shaghasra

...Respondents

Criminal Revision case has been filed under Section 397 r/w 401 of Code of Criminal Procedure, praying to allow the revision petition and set aside the order passed in M.P.No.738/22 in M.C.No.56/22 dated 27.12.2022 by the I Additional Family Court, Chennai as illegal and arbitrary.

For Petitioner : Mr.Adinarayana Rao

For Respondents : Mr.B.A.Chandrasekar

ORDER

This Criminal Revision case has been filed seeking quashment of the order dated 27.12.2022 passed in M.P.No.738 of 2022 in M.C.No.56 of 2022 on the file of the I Additional Family Court, Chennai.



Crl.R.C.No.1053 of 2023

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2. The case of the petitioner is that, the marriage between the petitioner/father of the respondents and one Akila, the mother of the respondents was solemnised on 22.08.1997 and out of their wedlock, the respondents were born. Thereafter, due to some matrimonial disputes, the petitioner and his wife got separated and the respondents are with their mother. In such circumstances, alleging that, the petitioner failed to take care of the respondents, they filed a maintenance case under Section 125 of Cr.P.C, in MC.No.56 of 2022, claiming a monthly maintenance of Rs.30,000/-, pending which, the respondents filed an interim maintenance case in MP.No.738 of 2022, seeking an interim maintenance of Rs.30,000/-. After adjudication, the trial court, vide impugned order awarded a interim monthly maintenance of Rs.20,000/- in favour of the respondents and further directed the petitioner to bear the future educational expenses of the respondents and also directed the petitioner to pay a sum of Rs.2,50,000/- towards the educational expenses of the 1st respondent and Rs.2,80,423/- towards the educational expenses of the 2nd respondent, which was already paid by the respondents towards the educational expenses. Aggrieved by the same, the petitioner/father has come up with this revision.

3. Though very many grounds have been raised by the learned counsel for the petitioner at the time of arguments, however, he fairly



Crl.R.C.No.1053 of 2023

submitted that, the petitioner is ready to pay a sum of Rs.6,00,000/- in favour of the 2nd respondent towards her educational expenses and is ready to pay a monthly maintenance of Rs.25,000/- in favour of the 2nd respondent from today ie.,04.04.2024. However, as the 1st respondent had already completed his graduation studies and he attained majority, he is not entitled to claim any maintenance at the hands of the petitioner. Accordingly, this Court may pass appropriate orders in the maintenance case.

4. Learned counsel appearing for the respondents have no serious objection for this Court passing the said order.

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

6. In view of the fair submission made by the learned counsel for the petitioner and in view of the consent expressed by the learned counsel for the parties, this Court is inclined to dispose of the main MC.No.56 of 2022 on the following terms:

(i) The petitioner is directed to pay a sum of Rs.20,000/- as monthly maintenance in favour of the 2nd respondent from the date of maintenance petition till today i.e., 04.04.2024 and thereafter shall pay a monthly maintenance of Rs.25,000/- in favour of the 2nd respondent.



Crl.R.C.No.1053 of 2023

WEB COPY

(ii) The petitioner is directed to pay the arrears of maintenance amount, less than the amount if any already paid, to the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order.

(iii) The petitioner shall continue to pay the above maintenance of Rs.25,000/- awarded in favour of the 2nd respondent on or before the 12th day of every English Calendar month till she gets married.

(iv) The petitioner is directed to pay a sum of Rs.6,00,000/- towards educational expenses of the 2nd respondent and the same shall be paid by way of three installments (Rs.2,00,000/- per installment) and the 1st installment shall be paid within a period of four weeks from the date of receipt of a copy of this order and the 2nd installment shall be paid within a period of four weeks thereafter and the last installment ie., education expenses for the academic year 2024-25 shall be paid within a period of eight weeks from the date of payment of the 2nd installment.

(v) Insofar as the 1st respondent/son is concerned, he having attained majority and aged about 25 years, as evidenced from the records, he is not entitled to receive any maintenance from the petitioner and, accordingly, the order of maintenance passed towards the 1st respondent is set aside.



Crl.R.C.No.1053 of 2023

WEB COPY

7. With the above observations and directions, this Criminal revision case stands disposed of and the maintenance case in MC.No.56 of 2022 pending on the file of the I Additional Family Court, Chennai is also disposed of in the aforesaid terms. Consequently, the connected miscellaneous petition is closed.

04.04.2024

skt

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No

To

The I Additional Judge,
Family Court, Chennai.



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Crl.R.C.No.1053 of 2023

M.DHANDAPANI, J.

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