



Crl.R.C.No.1103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 31.07.2024**

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

**Crl.R.C.No.1103 of 2024**

**and**

**Crl.M.P.No.9337 of 2024**

T.Thirunavukkarasu @ Gnanam

... Petitioner

Vs.

1.T.Kalpana

2.T.Selvamani

3.T.Balavignesh

... Respondents

[Amended as per order dated 22.03.2024 in  
M.P.No.543 of 2024 in M.C.No.63 of 2023]

**Prayer :** Criminal Revision Case filed under Section 397 and 401 Cr.P.C,  
praying to set-aside the order passed by the learned VI Additional  
Principal Judge, Family Court at Chennai on 26.03.2024 made in  
M.C.No.63 of 2013 by allowing this Criminal Revision Petition.

For Petitioner : Mr.S.Vijayanand

For Respondents : Mr.V.Srikanth

\*\*\*\*\*



Crl.R.C.No.1103 of 2024

WEB COPY

### **ORDER**

This Criminal Revision Case is filed against the order of the learned VI Additional Principal Judge, Family Court, Chennai, dated 26.03.2024 made in M.C.No.63 of 2013.

2. The case of the petitioner is that, the petitioner is the husband and the 1<sup>st</sup> respondent is the wife and their marriage was solemnised on 16.02.1997 at Kani Madasamy Thiruman Mandapam at No.31, Samy Pandaram Street, Chintadripet, Chennai – 600 002. Out of their wedlock, they are blessed with two mail children viz., the respondents 2 and 3 herein. Due to matrimonial dispute, the 1<sup>st</sup> respondent along with the respondents 2 and 3 is staying in her parents house. Thereafter, the petitioner filed O.P.No.3035 of 2007 for divorce and the 1<sup>st</sup> respondent/wife filed O.P.No.507 of 2011 for restitution of conjugal rights. In the meantime, the respondents filed a maintenance case u/s 125 of Cr.P.C. in M.C.No.63 of 2013 on the file of learned VI Additional Principal Judge, Family Court, Chennai claiming monthly maintenance of Rs.25,000/- each to the respondents. After adjudication, the Trial Court awarded monthly maintenance at the rate of Rs.7,000/- to the 1<sup>st</sup>



Crl.R.C.No.1103 of 2024

respondent and Rs.5,000/- each to the respondents 2 and 3. Aggrieved by the same, the petitioner has filed the present criminal revision before this court.

3. The learned counsel appearing for the petitioner submitted that, the petitioner has deposited the entire arrears of maintenance before the trial court as ordered by this Court. Further, he submitted that the petitioner is ready to pay monthly maintenance to the respondents 1 and 3, however, since the 2<sup>nd</sup> respondent has attained majority, he is not entitled for any maintenance from the petitioner. Accordingly, he prays for appropriate orders.

4. The learned counsel appearing for the respondents submitted that there was some variation in the amount deposited by the petitioner before the trial court, thereby, he submitted that liberty may be granted to the respondents to file calculation memo before the trial court in respect of the arrears amount already deposited by the petitioner. However, on instructions, the learned counsel submitted that the respondents 1 and 3 are ready to receive the maintenance amount from the petitioner as



Crl.R.C.No.1103 of 2024

ordered by the trial court.

WEB COPY

5. In view of the consent view expressed by the learned counsel for the parties, this Court is inclined to dispose of this revision on the following terms :-

(i) the petitioner is directed to pay monthly maintenance at the rate of Rs.7,000/- to the 1<sup>st</sup> respondent and Rs.5,000/- to the 3<sup>rd</sup> respondent on or before the 10<sup>th</sup> day of every English Calendar month;

(ii) the petitioner is directed to pay monthly maintenance to the 3<sup>rd</sup> respondent till the 3<sup>rd</sup> respondent attains the age of 25;

(iii) the petitioner as well as the respondents are directed to file calculation memo before the trial court and upon receipt of such calculation memo, the trial court is directed to pass appropriate orders with regard to the arrears of maintenance to the respondents and thereafter, the petitioner is directed to deposit the arrears of maintenance, if any, by deducting the amount already deposited by him before the trial court;

(iv) it is made clear that the 2<sup>nd</sup> respondent is not



Crl.R.C.No.1103 of 2024

WEB COPY

entitled to receive any maintenance at the hands of the petitioner, since he attained the age of 26, however he is entitled to receive the maintenance till age 25 ;

(v) if any change of circumstances arises in future, the petitioner as well as the respondents are at liberty to file a petition u/s 127 of Cr.P.C. for further modification.

6. With the above terms, the Criminal Revision Case is disposed of. Consequently, the connected criminal miscellaneous petition is closed.

**31.07.2024**

Index : Yes / No  
Speaking order / Non-speaking order  
NCC : Yes / No  
sp

To

The IV Additional Principal Judge, Family Court, Chennai.



WEB COPY



Crl.R.C.No.1103 of 2024

**M.DHANDAPANI, J.**

sp

**Crl.R.C.No.1103 of 2024**

**31.07.2024**