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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2024

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THE HON'BLE MR. JUSTICE M. NIRMALKUMAR

CRIMINAL REVISION CASE No. 1288 of 2024

&

Crl.M.P. No. 11244 of 2024

A.P. Srinivasan

..Petitioner

Vs.

Minor Pradiksha
Rep. by her maternal grandmother/
Guardian Tmt. Saraswathi

..Respondent

Prayer: Criminal Revision Case as against the order dated 10.06.2024
in M.C. No. 6 of 2019 on the file of District Munsif cum Judicial Magistrate,
Edapadi.

For Petitioner :: Mr.S. Sundaresan

For Respondent :: Mr.M. Ganesh for
Mr.N. Manoharan

ORDER

The petitioner/father of the respondent, who is a minor girl, has filed

this revision challenging the order dated 10.06.2024 passed in M.C. No. 6 of



2019 directing the petitioner to pay a sum of Rs.10,000/- as maintenance to his daughter.

2. According to the learned counsel for the petitioner, the petitioner is the natural guardian and he is entitled to have custody of his minor daughter. He is ready to take care of his minor daughter, pay her school fees and other expenses provided his daughter resides with him. The petitioner's daughter has been forcibly taken away by her maternal grandparents and they are not even permitting the petitioner to visit his daughter. Having denied his visitation thereby depriving the minor daughter of love and affection, forcing the petitioner to pay maintenance amount is not proper. His minor daughter has been kept forcibly by the maternal grandparents and taking advantage of the same, they have also filed a suit for partition in the name of the minor in O.S. NO. 127 of 2019. The custody of the child is not for the welfare of the child but for other reasons. Hence, the petitioner has preferred the revision challenging the order passed in the maintenance case.

3. Learned counsel for the respondent vehemently opposed the contentions of the petitioner. According to the learned counsel, the



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marriage between Gnanambal @ Anitha, mother of the respondent and the petitioner took place on 24.08.2009 and the respondent was born on 09.09.2010. The petitioner was leading a wayward life and was not showering his love and affection either on the respondent or on her mother. The respondent's mother finally committed suicide and ended her life on 28.04.2012 due to the conduct of the petitioner. Though a Police case ought to have been registered, as the family of the petitioner stated that they would resolve the issue and also an undertaking given by the petitioner that he would settle a share in his property immediately to his minor daughter and also take care of her education and other expenses, no action was taken against the petitioner and the custody of the child was given to her maternal grandparents. The petitioner had a second marriage with one Kalpana and has a daughter out of the said wedlock. The G.O.P. No. 136 of 2014 filed by the petitioner seeking custody of the minor daughter was dismissed on 10.08.2015 finding that the minor daughter had all along been with her maternal grandparents; sudden shifting of the child would affect her mental health; that it would not be safe to hand over the custody of the minor child to the petitioner and hence, the custody of the minor daughter was left with the maternal grandparents. As against the dismissal, the petitioner preferred an appeal in C.M.A. No. 284 of 2020 and the same was also dismissed.



Thus, the petitioner's contention that guardianship has been denied to him is no longer sustainable. Further, the petitioner has not made any attempt even to visit the child or bought any articles for the child till date. Only for the purpose of evading payment of maintenance amount, the petitioner is making such a plea. In the impugned order, it is recorded that the petitioner so far not paid any maintenance amount on the death of Anitha, mother of the respondent and dismissal of G.O.P. The petitioner is stubborn, adamant and unwilling to pay any maintenance amount. He has not taken care of the minor child in any manner. Hence, learned counsel for the respondent would pray for dismissal of the revision.

4. Heard the submissions of the learned counsel on either side and perused the materials on record.

5. The impugned order is a detailed one. The petitioner's contention is not that he is a man without resources. He has got another family and the earlier petition filed by him seeking custody had been dismissed and the same confirmed on appeal. The respondent seems to be comfortable and happy with the maternal grandparents. She is now aged about 13 years and attending school. For her education and other



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expenses, a meagre amount of Rs.10,000/- has been ordered even which the petitioner had not paid. It is submitted that the petitioner has arrears to the tune of Rs.6,40,000/- towards maintenance. This being so, the petitioner has got no justification in testing the impugned order. Hence, the criminal revision stands dismissed. Connected Crl.M.P. is closed.

6. It is quite surprising that the respondent has not taken any coercive action for the arrears of maintenance amount. Learned counsel for the respondent submits that the respondent is contemplating steps to take coercive action against the petitioner for non-payment of arrears of maintenance amount. If such petition is filed, the Lower Court is to consider the same expeditiously and without any delay and ensure that the minor girl is paid her due maintenance.

23.08.2024

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To

1. District Munsif cum Judicial Magistrate,
Edapadi.
2. The Public Prosecutor,
High Court, Madras.



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M. NIRMALKUMAR,J.

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