



Crl.R.C.No.1572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1572 of 2023

Minor D.Jeshu Olivian

Represented by mother and natural guardian

viz., M.Nanthini

... Petitioner

Vs.

A.Daniel

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to revise the order dated 15.04.2023 in M.C.No.464 of 2021 on the file of the VI Additional Principal Family Court, Chennai.

For Petitioner : Mr.D.J.Venkatesan

For Respondent : Mr.J.Dinesh



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ORDER

The present criminal revision petition has been filed to revise the order dated 15.04.2023, passed by the learned VI Additional Principal Judge, Chennai in M.C.No.464 of 2021.

2. The matter is listed under the caption "for appearance". Pursuant to the order passed by this Court, the respondent appeared before this Court and engaged the counsel.

3. The revision petitioner is the son and the respondent is the father. The marriage between the petitioner's mother and the respondent was solemnized on 04.02.2013 and out of the wedlock, petitioner was born. Due to matrimonial dispute and misunderstanding, they were living separately. In the meantime, the petitioner filed a maintenance petition in M.C.No.464 of 2021 on the file of the VI Additional Principal Family Court, Chennai. The learned Judge, on considering the oral and



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documentary evidence allowed the petition in part by directing the respondent to pay a sum of Rs.8,000/- per month to the petitioner on or before 10th of every English calendar month and the respondent was also directed to pay arrears of maintenance within a period of three months. The respondent is also directed to pay a sum of Rs.10,000/- towards the litigation expenses as one time payment. Challenging the said order, the minor petitioner has filed the present revision petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner's mother is working in IT Company and earning sufficient amount, hence she is not claiming any maintenance on behalf of herself and further, the petitioner's mother being a single parent is facing difficulty to take care of the educational expenses and day-to-day expenses of the petitioner. However, the respondent is a Central Government employee and working as Postmaster in Sukravarpet Post Office, Coimbatore and earning more than Rs.90,000/- per month, however the Court below ordered a very meager amount of Rs.8,000/-, which is not justifiable. Hence, he filed the



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present petition for enhancement.

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5. The learned counsel appearing for the respondent submitted that the maintenance amount awarded by the Court below is just and reasonable, which requires no interference. However, the respondent is ready and willing to pay a sum of Rs.70,000/- per annum to the petitioner for educational expenses.

6. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

7. It is seen from the records that the petitioner's mother, is working in the IT Company and maintaining herself and the petitioner. Further, the petitioner's mother is not claiming any maintenance on behalf of herself and she is facing difficult to take care of day-to-day expenses and educational expenses of the petitioner. Hence, considering the fact that the



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respondent, who is a Central Government employee, is working as Postmaster and earning a sum of Rs.90,000/- per month and that the respondent is now ready to pay a sum of Rs.70,000/- per annum for the educational expenses of the petitioner, this Court is inclined to modify the order dated 15.04.2023 made in M.C.No.464 of 2021 with the following directions:

(i) the maintenance amount of Rs.8,000/- awarded by the Court below is now enhanced to Rs.15,000/-.

(ii) the respondent is directed to pay a sum of Rs.15,000/- as monthly maintenance to the petitioner regularly on or before 7th of every English calender month

(iii) The petitioner is directed to pay the entire arrears of maintenance at the rate of Rs.8,000/- as ordered by the Court below within a period of four weeks from the date of receipt of a copy of the order.

(iv) The respondent is also directed to pay a sum of Rs.70,000/- per annum towards educational expenses for the petitioner.



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8. Accordingly, this Civil Revision Case is allowed with the above directions.

30.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The learned VI Additional Principal Judge,
Chennai.



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M.DHANDAPANI, J.

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