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Crl.R.C.No.1619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

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

Crl.R.C.No.1619 of 2023

Sangeerthana

... Petitioner

Vs.

R.Gunasekaran

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C, seeking to call for the records pertaining to C.M.P.No.45 of 2018 in M.C.No.86 of 2014 on the file of the Additional Principal Family Judge, Coimbatore and set aside the order dated 29.05.2023 by enhancing the maintenance amount to Rs.25,000/- by allowing this revision.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.A.Tamilarasan

ORDER

This Criminal Revision Case is filed against the order of the learned Additional Principal Family Judge, Coimbatore dated 29.05.2023 made in C.M.P.No.45 of 2018 in M.C.No.86 of 2014.



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2. The petitioner is the daughter and the respondent is the father.

The petitioner filed a petition u/s 125 of Cr.P.C. in M.C.No.86 of 2014 on the file of learned Additional Family Court, Coimbatore seeking a sum of Rs.50,000/- per annum towards medical expense and educational expense and Rs.15,000/- towards monthly maintenance to the petitioner. The Trial Court, by its order dated 31.12.2015 allowed the petition directing the respondent to pay a sum of Rs.7,000/- as monthly maintenance to the petitioner. Subsequently, the petitioner filed a petition u/s 127 of Cr.P.C. in C.M.P.No.45 of 2018 in M.C.No.86 of 2014 before the learned Additional Principal Family Judge, Coimbatore for enhancement of maintenance from Rs.7,000/- to Rs.25,000/- per month. After adjudication, the trial court has allowed the petition in part and directed the respondent to pay Rs.10,000/- per month from the date of petition till the date of order after deducting the monthly maintenance paid by him during the said period in compliance of the order dated 31.12.2015 in M.C.No.86 of 2014 and to pay a sum of Rs.15,000/- per month from the date of the order till the date of marriage of the petitioner. For further enhancement of maintenance from Rs.15,000/- to Rs.25,000/- per month,



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the petitioner has filed the present revision before this Court.

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3. The learned counsel appearing for the petitioner submitted that, the trial court has ordered a sum of Rs.15,000/- as monthly maintenance to the petitioner without considering the facts that the petitioner is studying BDS in a private college and the respondent was earning a sum of Rs.1 lakh per month. Therefore, he submitted that the maintenance ordered by the trial court is on the lower side and accordingly, he prays for enhancement of maintenance in favour of the petitioner.

4. The learned counsel appearing for the respondent submitted that the petitioner has attained majority on 15.09.2019 and as per the decision of the Apex Court, till attaining majority, the petitioner is entitled to receive maintenance at the hands of the respondent, however, after attaining majority, she is not entitled to any maintenance. Accordingly, he prays for dismissal of the revision.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the



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materials available on record.

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6. Admittedly, the petitioner is the daughter and the respondent is the father. After the divorce of the parents of the petitioner, she filed a maintenance case, which was allowed by the trial vide order dated 31.12.2015 by ordering a sum of Rs.7,000/- as monthly maintenance. Thereafter, she filed a petition for enhancement of maintenance, which was also allowed in part by way of the impugned order dated 29.05.2023.

7. It is seen from the records that the petitioner is studying BDS in a Private Dental College situated at Coimbatore. It is claimed by the petitioner that, due to increase in cost of living and education expenses, the petitioner was unable to meet her basic needs and educational expenses, even though her mother was partly contributing to her education. Therefore, taking into consideration the rise in cost of living and also the educational expenditures, this Court is inclined to modify the order passed by the trial court in the following terms :-

(i) the respondent is directed to pay the arrears of maintenance to the petitioner at the rate



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of Rs.20,000/- from 31.12.2015 till the date of majority i.e., 15.09.2018, after deducting the amount already paid by him to the petitioner during the said period, within a period of two months from the date of receipt of a copy of this order ;

(ii) the respondent is directed to pay the marriage expenditure of the petitioner at the time of marriage.

8. With the above directions, this Criminal Revision Case is partly allowed.

24.04.2024

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

To

The Additional Principal Family Court, Coimbatore.



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M.DHANDAPANI, J.

sp

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