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Crl.R.C.No.421 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM :

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

Crl.R.C.No.421 of 2024

1.Archanamary
2.Minor L.Loni Christopher
3.Minor Lokesh
[2nd & 3rd petitioners are minor
Represented by their mother and guardian
Archanamary, the 1st petitioner] ... Petitioners

Vs.

Lawarance ... Respondent

Prayer : Criminal Revision Case filed under Section 401 of Cr.P.C, praying to set aside the order dated 16.02.2023 made in M.C.No.6 of 2022 on the file of the learned Family Court, Karaikal in so far as the 1st petitioner and to grant of maintenance to the 1st petitioner and enhance the maintenance amount as Rs.10,000/- per month to 2nd and 3rd petitioners by allowing this revision petition.

For Petitioners : Mr.P.Suresh Babu

For Respondent : Mr.S.Surya



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ORDER

This Criminal Revision Case is filed against the order of the learned Family Court, Karaikal, dated 16.02.2023 made in M.C.No.6 of 2022.

2. The case of the petitioners is that, the marriage of the 1st petitioner/wife and the respondent/husband was solemnized on 26.10.2012 as per the Christian Rites and Customs in the presence of parents and relatives and the petitioners 2 and 3 were born from and out of the wedlock between the 1st petitioner and the respondent. Due to misunderstanding, the 1st petitioner is living separately along with her minor sons, namely the petitioners 2 and 3. Since the respondent refused to take care of the petitioners, they have filed a petition u/s 125 of Cr.P.C. in M.C.No.6 of 2022 claiming a total monthly maintenance of Rs.35,000/- (viz., Rs.15,000/- to the 1st petitioner and Rs.10,000/- each to the petitioners 2 and 3) before the Family Court, Karaikal. After adjudication, the trial court dismissed the case in respect of the 1st petitioner and ordered a sum of Rs.2,000/- p.m. each to the petitioners 2 and 3 towards education and medical expenses. Aggrieved by the same,



the petitioners have preferred present revision before this Court.

3. When the matter was taken up for hearing, the learned counsel appearing for the respondent submitted that the respondent is employed as a Mason and he was earning only a sum of Rs.12,000/- p.m. Hence, the learned counsel, on instructions, submitted that the respondent is ready to pay Rs.2,000/- p.m. to the 1st petitioner and Rs.4,000/- p.m. to the petitioners 2 and 3 as ordered by the trial court. Accordingly, he prays for appropriate orders.

4. The learned counsel appearing for the petitioners submitted that, the respondent is earning more than Rs.12,000/- p.m. Hence, he submitted that, this court may liberty to the petitioners to file appropriate petition for enhancement of the monthly maintenance in their favour, if they are able to prove the assets and liability and income of the respondent in the future.



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5. In view of the above submissions made by the parties, this court is inclined to pass the following orders :-

(i) the respondent is directed to pay the entire arrears of maintenance directly to the bank account of the 1st petitioner through RTGS/NEFT at the rate of Rs.2,000/- p.m. in respect of the 1st petitioner and Rs.4,000/- p.m. in respect of the petitioners 2 and 3, less than the amount, if any, already paid by him, within a period of six weeks from the date of receipt of a copy of this order;

(ii) the respondent is also directed to continue to pay the said maintenance amount to the petitioners on or before the 7th day of every english calendar month and the said amount has to be credited to the bank account of the 1st petitioner;

(iii) if any change of circumstances arises in future, the petitioners are at liberty to file a petition u/s 127 of Cr.P.C. for further modification of the maintenance amount.

6. With the above directions, the Criminal Revision Case is



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disposed of.

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Index : Yes / No

Speaking order / Non-speaking order

NCC : Yes / No

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To

The Principal Family Court, Coimbatore.



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M.DHANDAPANI, J.

sp

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