



Crl.R.C.Nos.1825 of 2023 & 91 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.Nos.1825 of 2023 & 91 of 2024

and

Crl.M.P.No.17226 of 2023

N.Arul Kumar

... Petitioner in Crl.R.C.No.1825 of 2023 &
Respondent in Crl.R.C.No.91 of 2024

Vs.

Minor A.Hitesh

Rep. by his next friend/mother C.Thenmozhi

... Respondent in Crl.R.C.No.1825 of 2023 &
Respondent in Crl.R.C.No.91 of 2024

Prayer in Crl.R.C.No.1825 of 2023: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to set aside order dated 14.07.2023 passed by the learned Family Court Judge, Krishnagiri in M.C.No.38 of 2020 and reduce the quantum of maintenance.

Prayer in Crl.R.C.No.91 of 2024: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to set aside order dated 14.07.2023 in M.C.No.38 of 2020 on the file of Family Court, Krishnagiri.

For Petitioner in Crl.R.C.No.1825 of 2023 : Mr.R.Chandra Sudan



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& Respondent in Crl.R.C.No.91 of 2024

For Respondent in Crl.R.C.No.1825 of : Mr.T.S.Baskaran
2023 & Petitioner in Crl.R.C.No.91 of
2024

COMMON ORDER

These Criminal Revision Cases have been preferred assailing the order passed in M.C.No.38 of 2020 dated 14.07.2023 passed by the Family Court, Krishnagiri.

2. For brevity, petitioner in Crl.R.C.No.1825 of 2023 is hereinafter referred to as 'father' and the petitioner in Crl.R.C.No.91 of 2024 is hereinafter referred to as 'son'.

3. The marriage between the father and mother was solemnised on 06.06.2008 at Vasavi Mahal in Kaveripattinam as per Hindu rites and customs and out of the wedlock, the minor son was born on 04.04.2009. Due to matrimonial dispute, the father filed a petition in O.P.No.152 of 2019 seeking restitution of conjugal rights, in which the mother filed an interlocutory application in I.A.No.1 of 2019 seeking maintenance and subsequently, the father withdrew the petition in O.P.No.152 of 2019. Thereafter, the father did



not pay any maintenance to the mother, since she is also earning. However, since the father refused to take care of the minor son, the minor son filed a maintenance case u/s 125 of Cr.P.C. in M.C.No.38 of 2020 claiming monthly maintenance of Rs.40,000/-. After adjudication, the trial court ordered a sum of Rs.15,000/- as monthly maintenance to the son vide order dated 14.07.2023. Aggrieved by the same, the father has filed Crl.R.C.No.1825 of 2023 and seeking enhancement of maintenance, the minor son has filed Crl.R.C.No.91 of 2024 before this Court.

4. Learned counsel appearing for the minor son submitted that the father is earning not less than Rs.1,00,000/- p.m., however the trial court has awarded a sum of Rs.15,000/-, which is not sufficient to maintain himself and other expenditure. Accordingly, he prays for enhancement of monthly maintenance in favour of the minor son.

5. Per contra, learned counsel appearing for the father submitted that the father was receiving the salary at Rs.77,000/- and he is taking care of his old age mother. Further, he submitted that the mother is also working and she was earning more than the father, however, the trial court awarded a sum of Rs.15,000/- as monthly maintenance, which is highly excessive. However, the



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learned Counsel, on instructions submitted that the father is ready to pay 50% of the educational expenditure of the son for the ensuing academic years.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. There is no dispute about the marriage between the father and the mother and there is no dispute with regard to the relationship of the father and son. It is to be pointed out that it is the duty of the husband to maintain his wife and child and the comforts, which were available to the spouse and child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and child.

8. A perusal of the impugned order reveals that the trial court has ordered a sum of Rs.15,000/- as monthly maintenance in favour of the minor son by considering the fact that both the father and mother are working as Government Teacher earning not less than Rs.1,00,000/-, which cannot be said to excessive and hence, this court is not inclined to interfere with the same.



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9. In view of the fair submission made by the learned counsel for the father, this court is inclined to pass the following orders :-

(i) the father is directed to pay a sum of Rs.15,000/- as monthly maintenance to the minor son on or before the 7th day of every English Calender month ;

(ii) the father is directed to pay the entire arrears of maintenance to the minor son within a period of four weeks from the date of receipt of a copy of this order ;

(iii) the father is directed to bare 50% of the educational expenditure and medical expenditure of the son for the ensuing years.

10. With the above directions, these Criminal Revision Cases are dismissed. Consequently, the connected criminal miscellaneous petition is closed.

02.07.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Family Court, Krishnagiri.



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M.DHANDAPANI, J.

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