



Crl.R.C.No.212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.212 of 2024
And
Crl.M.P.No.1864 of 2024**

Prasad @ Srinivasan Prasad @ Prasad Srinivasan ... Petitioner

Vs.

1.Kiranmai @ Parthasarathy
Kiranmai @ Parthasarathy Kiranmai)
2.Minor.Harshini
3.Minor.Prithviraj
(Minor son represented by their Mother and Natural Guardian
Kiranmai @ Parthasarathy
Kiranmai @ Parthasarathy Kiranmai) ... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the impugned order dated 05.09.2023 passed by learned II Additional Principal Family Court, Chennai in M.C.No.150 of 2013.

For Petitioner : Mr.K.Pattabhi
For Respondents : Ms.V.Pushkala

O R D E R

The criminal revision case has been filed seeking to set aside the



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order dated 05.09.2023 made in M.C.No.150 of 2013 by the II Additional Principal Family Court, Chennai.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 11.03.1998 at Raghavendra Kalyana Mandapam, Kodambakkam, Chennai and out of the wedlock, they were blessed with the respondent 2 and 3. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.150 of 2013 before the II Additional Principal Family Court, Chennai, seeking monthly maintenance of Rs.3Lakhs. The Court below partly allowed the said case and directed the petitioner to pay a sum of Rs.20,000/- per month to the first respondent from the date of filing the petition viz., 19.03.2013, Rs.20,000/- per month to the second respondent/ daughter till she gets married and Rs.20,000/- per month to the third respondent/ son till he attains majority. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the first respondent filed petition seeking divorce in O.P.No.1704 of 2010



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before the learned Principal Judge, Family Court, Chennai and an exparte order was passed in her favour. Thereafter, the respondents filed maintenance case. The learned counsel further submitted that even a bare perusal of the assets and liabilities would reveal that the first respondent is getting Rs.1,45,000/- per month after deduction of tax on the deposits held from VGN from March, 2019, Rs.5,26,400/- per annum from Post Office deposits from February, 2021 and Rs.1,92,000/- per annum after tax from SBI deposits from February, 2021. Though the respondents claim that the petitioner is working as Senior IT Project Consult and earning a sum of Rs.3 Lakhs per month, Rs.75,000/- per month as rental income from Sridharam Street Property, Ayyavo Colony, Chennai and Rs.4,25,000/- per month from Vanagaram property, they did not file any proof for the same and the petitioner is earning only a sum of Rs.30,000/- per month, however, the Court below, without any proof for income, directed the petitioner to pay a sum of Rs.60,000/- per month towards maintenance to the respondents, which is not sustainable one. The learned counsel further submitted that the petitioner ought to pay reasonable maintenance to the respondents 2 and 3 who are the children of the petitioner.



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4.The learned counsel appearing for the respondents submitted that the Court below considering the factual aspects and the present cost of living, directed the petitioner to pay a sum of Rs.60,000/- per month to the respondents towards maintenance, which is just and reasonable and warrants no interference. The learned counsel further submits that the second respondent is pursuing medical course and the third respondent is studying in school and the first respondent spend Rs.7,50,000/- per annum for the second respondent and Rs.3,50,000/- per annum to the third respondent towards educational expenses.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

6.The grounds on which maintenance can be rejected to the wife can be on the ground that wife is able to maintain herself and she has the requisite means to maintain herself; that she is living in adultery; and where the person, who offers to maintain his wife on condition of her living with him and she refuses to live with him.

7.In the case on hand, it is not the case of the petitioner that she



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is living in adultery or that he is ready to maintain her if she comes and lives with him, but his wife is refusing to unite with him, however, the petitioner claims that the first respondent has sufficient means to maintain herself and the children, however, admitted that he has to pay reasonable maintenance for his children.

8.Perusal of records reveal that the first respondent is getting Rs.1,45,000/- per month after deduction of tax on the deposits held from VGN from March, 2019, Rs.5,26,400/- per annum from Post Office deposits from February, 2021 and Rs.1,92,000/- per annum after tax from SBI deposits from February, 2021. The records further reveal that the first respondent has derived the assets only from 2019 onwards.

9.Further, it appears that the second respondent is pursuing medical course and the third respondent is studying in school and the first respondent spend Rs.7,50,000/- per annum for the second respondent and Rs.3,50,000/- per annum to the third respondent towards educational expenses. As a dutiful father, the petitioner has to bear the educational expenses.



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10.Though the respondents claim that the petitioner is working as Senior IT Project Consult and earning a sum of Rs.3 Lakhs per month, Rs.75,000/- per month as rental income from Sridharam Street Property, Ayyavo Colony, Chennai and Rs.4,25,000/- per month from Vanagaram property, they have not filed any proof for the same. The petitioner claim that he is earning only a sum of Rs.30,000/- per month, which is also un-believable.

11.In view of all the above, this Court is inclined to set aside the impugned order and pass the following order:

(i)The petitioner is directed to pay a sum of Rs.10,000/- per month towards maintenance to the first respondent from the date of filing of the petition in M.C.No.150 of 2013 viz., 19.03.2013 till December, 2018 i.e., 31.12.2018. Thereafter, the first respondent is not entitled for any maintenance amount from the petitioner.

(ii)The petitioner is further directed to pay a sum of Rs.20,000/- each to the respondents 2 and 3 from the date of filing of the petition in M.C.No.150 of 2013 viz., 19.03.2013.

(iii)The petitioner is further directed to pay a sum of Rs.3,75,000/- per annum to the second respondent and Rs.1,75,000/- per annum to the third respondent towards educational expenses and



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shall continue to pay 50% of the educational expenditure till the completion of their education.

(iv)The petitioner shall deposit the entire arrears amount, as awarded by this Court, to the credit of M.C.No.150 of 2013 on the file of the II Additional Principal Family Court, Chennai, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.20,000/- per month to the second respondent towards maintenance on or before 7th of every succeeding English Calender Month, till the second respondent gets married and shall continue to pay a sum of Rs.20,000/- per month to the third respondent towards maintenance on or before 7th of every succeeding English Calender Month, till the third respondent attain the age of majority.

12.This criminal revision case is allowed on the above terms. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To
1.The II Additional Principal Family Court, Chennai.

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