

WEB COPY

CRP(PD).No.278 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.278 of 2025

and

CMP.Nos.1837 of 2025

M.Kuberan

... Petitioner

Vs.

Dr.Dhanalakshmi

... Respondent

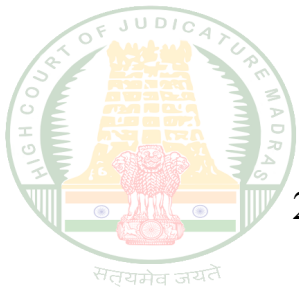
Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned fair and decreetal order dated 27.12.2024 in IA.No.4 of 2024 in OP.No.5006 of 2021 passed by the Hon'ble VII Additional Principal Family Judge, Chennai.

For Petitioner : M/s.F.C.Ramesh

For Respondent : M/s. S.Indumathi Ravi

ORDER

Challenging the order passed in I.A.No.4 of 2024 in OP No.5006 of 2021 by the VII Additional Principal Family Judge, Chennai, the respondent/husband is the petitioner before this Court.



2. Brief facts are as follows:-

WEB COPY

3. The respondent/wife had filed HMOP No.5006 of 2021 on the file of the above court for divorce. The allegations made in the said petition has been denied by the petitioner/husband.

4. Pending the said OP the respondent/wife had filed an application in IA No.4 of 2024 seeking a direction to the petitioner/husband to pay the school admission fees of Rs.3.00,000/- and an annual term fees of Rs.1,50,000/- for the year commencing from 2024 directly to the Lady Andal Venkatasubba Rao Matriculation School, Shenstone Park, No.7, Harrington Road, Chetpet, Chennai and thereafter to pay the Annual Term Fees year after year till her completion of schooling in the said institute.

5. In the affidavit filed in support the impugned application, the respondent/wife would submit that the petitioner/ husband had totally deserted her and her child who is now 4 years old. The child has been admitted to a Pre school and the entire expenses has been borne by the



WEB COPY

respondent/wife's brother. In March 2024, she would be completing the pre school and has to be enrolled in the regular school. Upon verification with the Lady Andal School, the respondent/wife was informed that the initial fees for admission would be a sum of Rs.3,00,000/- and the annual term fees would be a sum of Rs.1,50,000/-. The respondent/wife would submit that she is not financially independent. Though she has obtained her MBBS Degree with distinction she has to complete the NEET exam for a post graduation for specialization and she is preparing for her NEET exam. The respondent/wife would submit it is her brother who is incurring expenditure for her and her child's day to day expenses as well as the education expenses. The petitioner/husband as a father has not undertaken any responsibility in this regard and has not even bothered about admitting his child into the school. Therefore, she had come forward with the impugned application and along with the application she has also filed the documents to show that she has paid a sum of Rs.81,697/- towards the school fees and admission fees of Rs.3,00,000/- to the trust which runs the school.



WEB COPY

6. A counter affidavit has been filed by the revision petitioner/ husband, who apart from denying the various allegations would submit that the respondent/wife is residing in a 3 bedroom duplex apartment in Anna Nagar which stands in the name of the respondent's father and that apart, the respondent's father owns 7 other normal flats and 1 luxurious flat in the apartment. The rental income alone would be more than sum of Rs.2,00,000/- out of which the respondent/wife gets 1/3rd share. He would submit that he does not have the wherewithal to educate his child in the Lady Andal School.

7. The learned VI Additional principal family Judge by his order dated 27.12.2024 has allowed the petition. Challenging the same the petitioner is before this court.

8. The learned counsel for the petitioner/husband would vehemently contend that the impugned order is not based on principles of law. Further, the petitioner had obtained loans to the tune of Rs.1 crore. He would further submit that the sum of Rs.3,00,000/- has not been paid to the school but to some other organization and

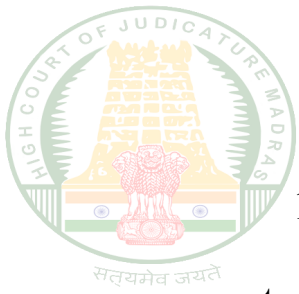


therefore, the same cannot be claimed from the petitioner/husband.

That apart, he would submit that the collection of capitation fees is contrary to the provisions of the Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Act, 1992.

9. The learned counsel for the respondent/wife would submit that it is rather incongruous for the petitioner/husband to make such a statement that the collection of capitation fees is contrary to the provisions of the above-said Act particularly when the petitioner/husband is himself as trustee of two trusts which are running educational institutions and these educational institutions are taking capitation fees. That apart, she would submit that the petitioner/husband comes from a very affluent family and owns over 35 acres of land apart from the educational institutions run by him and she would therefore submit that the order passed by the VI Additional Principal Family Judge, Chennai is very much in order.

10. Heard the counsels on either side and perused the records.



WEB COPY

11. A perusal of the documents particularly the affidavit of the assets and liabilities filed by the petitioner would show that even according to him, his monthly income is a sum of Rs.1crore. The petitioner after having filed such affidavit of assets and liabilities tries to retract the same by offsetting it with the loans. Further, the petitioner has claimed to have borrowed a sum of Rs.1 crore. However, there is no explanation as to the purpose for which the sum of Rs.1 crore has been borrowed. Be that as it may. taking into consideration of the fact that the petitioner has himself declared that his monthly income to be a sum of Rs.1 crore, the order passed by the learned VI Additional Principal Family Judge, Chennai is very much in order and I see no reason to interfere with the same.

11. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

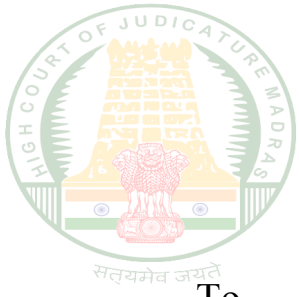
24.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



CRP(PD).No.278 of 2025

To
WEB COPY

1.The VII Additional Principal Family Judge, Chennai.



WEB COPY



CRP(PD).No.278 of 2025

P.T. ASHA. J.,

(shr)

CRP.(PD).No.278 of 2025

and

CMP.No.1837 of 2025

24.04.2025