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Crl.RC.No.826 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.826 of 2025 and
Crl.MP.No.11463 of 2025

K.Sridhar

... Petitioner

Vs.

1.Kowsika

2.Minor. Mukundan
(minor rep. by mother and guardian
Dhanmathi)

.. Respondents

PRAYER: Criminal Revision Case filed under Section 438 r/w 422 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed in MC.No.51 of 2019 dated 04.02.2025 on the file of Family Court, Salem.

For Petitioner : M/s.L.Srileka

For Respondents : Mr.K.Prabhakaran



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ORDER

This criminal revision case has been preferred against the order passed in MC.No.51 of 2019 dated 04.02.2025 on the file of Family Court, Salem, thereby ordered maintenance under Section 125 of Cr.P.C.

2. The petitioner is the father of the respondents. The petitioner had married the mother of the respondents. Due to misunderstanding between the petitioner and his wife, she was driven out from the matrimonial home along with the respondents. Now they are living separately. As such, they could not maintain themselves. In fact, all the educational expenses and the livelihood of the respondents depend on their grandparents. Therefore, the respondents filed petition for maintenance seeking monthly maintenance. After considering the facts and circumstances, the trial court ordered maintenance of Rs.15,000/- each to the respondents. Aggrieved by the same, the present criminal revision case has been filed.

3. The learned counsel for the petitioner would submit that the



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respondents did not produce any evidence to show that the petitioner is earning. In fact, he is not earning anything and he is a jobless person. The petitioner possesses only a small petty shop, for which he is collecting rent of only Rs.4,000/- per month. Without any document to prove that the petitioner is earning a particular amount per month, the trial court mechanically awarded maintenance of Rs.15,000/- each to the respondents. The learned counsel further submitted the petitioner's wife is running an oil mill and she is earning sufficient money.

4. Per contra, the learned counsel for the respondents submitted that the first respondent is doing undergraduation and the second respondent is studying in a school at Bangalore. The second respondent's school fees itself comes nearly Rs.2.5 lakhs per year and the first respondent's college expenses is also more than Rs.2,00,000/- per year. Further, the petitioner is running a private school and he also possesses immovable properties and from the immovable properties, he is getting huge income. The learned counsel further submitted the mother of the respondents is not earning anything and the respondents are



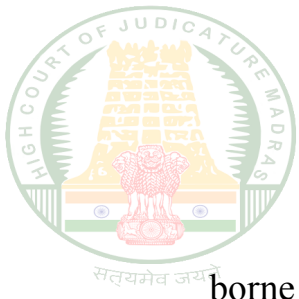
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depending on their grandparents.

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5. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

6. On perusal of records, it is revealed that the petitioner had married the mother of the respondents. Thereafter, due to misunderstanding between the petitioner and his wife, the respondents along with their mother were driven out from the matrimonial home and they are living separately. Though the respondents did not state anything about the income of the petitioner, the petitioner is being the dutiful father of the respondents, it is his bounden duty to maintain the respondents. Further, the petitioner has immovable properties and as such, the respondents filed suit for partition in respect of the petitioner's ancestral properties and the suit is pending. It shows that the petitioner has immovable properties and has reasonable income. Further, the first respondent is doing her undergraduation and the second respondent is doing school at Bangalore. In fact, the entire educational expenses are



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borne out by the respondents' grandparents. The petitioner did not even spend a single penny for their educational expenses. However, in view of the interim order passed by this Court, the petitioner deposited a sum of Rs.5,00,000/- directly into the bank account of the respondents. Therefore, in the overall circumstances, this Court is inclined to reduce the amount of monthly maintenance alone.

7. Accordingly, in respect of the amount of monthly maintenance alone, the impugned order passed in MC.No.51 of 2019 dated 04.02.2025 on the file of Family Court, Salem, is modified to the effect that the petitioner shall pay monthly maintenance amount of Rs.10,000/- to the first respondent and Rs.7,500/- to the second respondent from the date of the petition (10.10.2019). The other orders of the trial court shall remain intact. The respondents are at liberty to claim arrears of maintenance from the petitioner after deducting the amount which was already deposited by the petitioner in their favour.

8. In the result, this criminal revision case stands partly



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allowed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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