



WEB COPY



Crl.RC.No.1935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

Crl.RC.No.1935 of 2024 and

Crl.M.P.No.15853 of 2024

M.Gopinath

... Petitioner

Vs.

Minor.Mirlaksha Mayak

D/o.M.Gopinath

Represented by her mother and natural guardian

Mrs.G.Nagalakshmi

... Respondent

**Prayer:** Criminal Revision Case filed under Section 438 and 442 of the B.N.S.S. to set aside the order dated 25.09.2024 passed in M.C.No.409 of 2022 on the file of the II Additional Principal Family Court, Chennai.

For Petitioner : Mr.V.Vasudevan

For Respondent : Mr.G.Ravikumar



Crl.RC.No.1935 of 2024

## ORDER

WEB COPY

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 25.09.2024 passed in M.C.No.409 of 2022 on the file of the II Additional Principal Family Court, Chennai.

2. The case of the petitioner is that the respondent is the daughter of the petitioner. The respondent while she was studying 9<sup>th</sup> std., filed a maintenance case against the petitioner through her mother in M.C.No.409 of 2022 on the file of the II Additional Principal Family Court, Chennai seeking maintenance of Rs.30,000/- per month. The Judge, Family Court, by order dated 25.09.2024, partly allowed the said petition directing the petitioner to pay a sum of Rs.10,000/- to the respondent/daughter towards monthly maintenance. Hence, challenging the same, the present revision is filed.

3. The learned counsel for the petitioner submitted that the petitioner's income is only Rs.22,500/- and if he pays Rs.10,000/- to the respondent towards monthly maintenance, it would be too difficult for him to lead his life



CrI.RC.No.1935 of 2024

with the remaining amount of Rs.12,000/-. The Judge, Family Court failed to

consider the economical status of the petitioner and passed order Rs.10,000/-.

The learned counsel by relying on the decision of the Hon'ble Supreme Court

in the case of *Kalyan Dey Chowdhury Vs. Rita Dey chowdhury Nee Nandy in*

**Civil Appeal No.5369 of 2017** submitted that 25% of the net salary of the

husband would be just and proper to consider for maintenance. Therefore, he

seeks modification of the quantum of maintenance.

4. Heard both sides and perused the materials available on record.

5. According to the learned counsel for the respondent, the petitioner

suppressed his original income, however, the proven salary is Rs.22,500/-. The

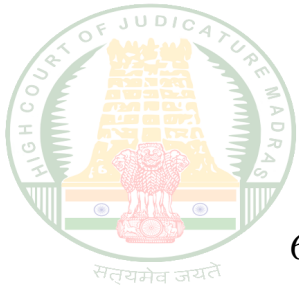
respondent is none other than the daughter of the petitioner who is aged about

17 years. The paternity of the respondent is not in dispute. The respondent is

living with her mother and not with the petitioner. Therefore, the Judge

considering the facts and age of the respondent, ordered Rs.10,000/- towards

monthly maintenance.



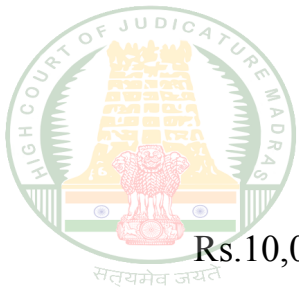
Crl.RC.No.1935 of 2024

WEB COPY

6. Admittedly, the wife of the petitioner has not filed any petition for maintenance due to disqualification and only the minor daughter of the petitioner filed the maintenance case. Paternity of the respondent is not in dispute. Liability of the petitioner is also not in disputes. Though the petitioner is ready to pay the maintenance, he seeks modification of the quantum of maintenance.

7. However, the citation referred to by the learned counsel for the petitioner is not applicable to the present case on hand as the said case was filed challenging the order passed in an application filed under Section 25(2) of Hindu Marriage Act. Whereas, the present case has been filed by the daughter of the petitioner who is a minor and unable to maintain herself, under Section 125 Cr.P.C.

8. Due to the misunderstanding between the father and mother, the respondent/daughter is in a pathetic situation. As a dutiful father, the petitioner has a bounden duty to maintain his daughter. The order of maintenance of



Crl.RC.No.1935 of 2024

Rs.10,000/- is very meagre considering the price index and cost of living

prevailing as on date. Though the admitted salary of the petitioner is

Rs.22,500/-, a girl aged 17 years cannot lead her life less than Rs.10,000/-.

The petitioner has not stated that he is ready to take care of the respondent/

daughter and maintain her. Since the respondent/daughter is living away from

the petitioner, the petitioner is liable to pay the maintenance as ordered by the

Family Court.

9. This Court does not find any perversity or compelled reason to interfere with the order passed by the Family Court.

10. Accordingly, this Criminal Revision Case is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

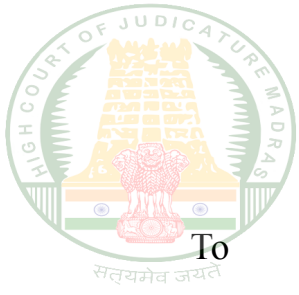
28.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



Crl.RC.No.1935 of 2024

To

WEB COPY

The II Additional Principal Family Court,  
Chennai.



WEB COPY



Crl.RC.No.1935 of 2024

**P.VELMURUGAN. J.**

Ksa-2

Crl.RC.No.1935 of 2024

28.03.2025