



C.R.P.Nos.859 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.859 of 2025
C.M.P.No.5094 of 2025

M.Anbu

...Petitioner

Vs

1.J.Indira

2.Mithun Karthik (Minor)

Represented by his mother

and Natural Guardian J.Indira

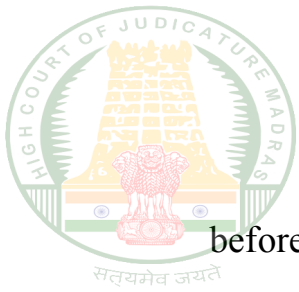
...Respondents

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order passed in I.A.No.1 of 2024 in H.M.O.P.No.4243 of 2017 dated 27.08.2024 on the file of the V Additional Principal Judge, Family Court at Chennai and thus render justice.

For Petitioner : Mr.B.Venugopal

ORDER

Challenging the order directing the petitioner to pay a sum of Rs.2,16,250/- towards the education expenses and van fees of minor Mithun Karthik, the son of the petitioner and respondent covering the academic years 2019-2020 till 2023-2024, the respondent/husband is



C.R.P.Nos.859 of 2025

before this Court.

WEB COPY 2.Heard the learned counsel for the petitioner who is making his submission for admission.

3.The perusal of the impugned order would indicate that the petitioner had married the first respondent on 09.12.2012 and out of the wedlock they have been blessed with a male child, the second respondent herein. The petitioner was working as a Government teacher earning a sum of Rs.1,00,000/- per month. Though the first respondent is qualified she was not in a position to get employment as she is unable to go for work as she has to take care of her child. The first respondent would submit that the marriage expenses was taken care only by her parents and after the birth of the second respondent the petitioner had not come to see the child. However, the petitioner and his family members were demanding a huge sum of Rs.5,00,000/- as dowry. The first respondent would submit that the petitioner has never taken care of the second respondent at any point in time. The first petitioner has moved an application under the Domestic Violence Act in D.V.C.No.19 of 2015 on the file of the learned Judicial Magistrate, Ambattur, seeking payment of sum of Rs.25,000/- towards monthly interim maintenance. In the said



C.R.P.Nos.859 of 2025

application the court has directed the petitioner to pay a sum of Rs.10,000/- per month as interim maintenance. Even that order has not been complied with. She would submit that the second petitioner is about ten years old and his educational expenses as well as expenses for his nourishment and upkeep is also steadily increasing. He is studying in the Kalaimagal Vidhyashram, Annanur, Chennai, and for which a sum of Rs.50,000/- was payable per annum for school fees. The first respondent would submit that she has borrowed extensively from her mother and brother. The petitioner who is earning a monthly income of over Rs.1,00,000/- besides incentives has not cared to spent any amount even on the son, the second respondent. The first respondent would submit that earlier I.A.No.5841 of 2018 was filed seeking the interim maintenance for school fees for the year 2017-2018, 2018-2019. This application was allowed on 16.09.2021 directing the respondent to pay a sum of Rs.74,050/-. This amount was not paid constraining the first respondent to file E.P.No.44 of 2022 for attachment of salary. The monthly expenses like grocery, vegetables, fruits, transport, phone, electricity and mobile bills alone would come out Rs.25,000/-. That apart, the special needs of the second petitioner comes around to further sum of Rs.20,000/-. The sum of Rs.10,000/- which is ordered to be paid



C.R.P.Nos.859 of 2025

to the second respondent does not even cover his basic requirements.

WEB COMMENTS Therefore, the first respondent has come forward with the above petition.

4. In his counter apart from denying the allegations contained in the petition, the petitioner would submit that already first respondent has filed M.C.No.185 of 2015 on the file of the I Additional Family Court, Chennai and he has filed an application for restitution of conjugal rights in H.M.O.P.No.2137 of 2015 which is pending on the file of the I Additional Family Court, Chennai. After receiving the summons in this case, the first respondent had filed a Domestic Violence case before the learned Judicial Magistrate, Ambattur in D.V.C.No.19 of 2015. Therefore, the petitioner would submit that he had withdrawn the petition for restitution of conjugal rights on 06.11.2017. He would submit that he is the only bread winner and he has to take care of his parents and their medical expenses works out sum of Rs.30,000/-. According to the petitioner, the respondent only wants to take away his entire salary. He would submit that the demand for a huge sum is totally unwanted. Therefore, he sought for a dismissal of the appeal. The learned Family Judge after taking into consideration the documents submitted by the first respondent, came to the conclusion that the petitioner has to pay the sum



C.R.P.Nos.859 of 2025

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of Rs.2,16,250/- to the first respondent towards the educational expenses and van fees of the second respondent for the period 2019-2020 till 2023-2024, that is from his 1st standard till his 5th standard. Challenging this order petitioner is before this Court.

5.The amount that is directed to be paid is the amount appears to be the amount already paid for the education and van expenses of the second respondent. The first respondent appears to have made the payment. The petitioner as the father has not taken any steps to maintain his son atleast without a demand being made for the same. The petitioner as a father has the bounden duty to take care of his child, give them a good education and shelter over their heads. The first respondent had only claimed the education and van fees that is payable for the second respondent for the periods 2019-2020 till 2023-2024. Admittedly, the petitioner has not made the said payments. The petitioner has not be able to give any valid reasons as and why this order is erroneous. Therefore, this Civil Revision Petition is dismissed and I see no reason to set aside this well considered order passed by the learned V Additional Principal Judge, Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.



C.R.P.Nos.859 of 2025

04.03.2025

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order
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P.T.ASHA, J.

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To

The V Additional Principal Judge,
Family Court at Chennai.

C.R.P.No.859 of 2025
C.M.P.No.5094 of 2025



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C.R.P.Nos.859 of 2025

04.03.2025