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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.R.C.No.2235 of 2025

1. Ashley Ann Tharakan

2. Abel George Tharakan

Petitioners 1 and 2 are represented by their

mother and Natural guardian

Mrs. Monica Joseph

... Petitioner

Vs.

George Tharakan Varkey

... Respondent

PRAYER : This petition is filed under Section 438 r/w 442 of BNSS Act to set aside the order dated 30.09.2025 passed by the learned V Additional Family Court at Chennai in M.P.No.1820 of 2025 in M.C.No.1820 of 2025 in M.C.No.395 of 2024 for hearing and pass orders.

For Petitioner : Mr.Y. Kavitha for P.V.S. Giridhar Associates.

ORDER

This Criminal Revision Case is filed to set aside the order dated 30.09.2025 passed by the learned V Additional Family Court at Chennai in M.P.No.1820 of 2025 in M.C.No.395 of 2025 for hearing and pass orders

2. The facts of the case is that the petitioners are represented by their



mother Monica Joseph who is the wife of the respondent. The marriage between them was solemnized on 21.05.2005. Out of the said wedlock they were blessed with two children. Due to some dispute they were separated and the wife filed maintenance petition in M.P.No.1820 of 2025 in M.C.No.395 of 2025 and the same was rejected by the learned Judge with a direction that enquiry will be conducted on the Main M.C and the orders will be passed on the M.C as early as possible. Challenging the same the petitioners have come forward with this petition.

3. Heard the learned counsel for the petitioner and perused the records.

4. On a perusal of records and going through the impugned order this Court found that the Maintenance petition and petition seeking Interim Maintenance was filed to support the minor petitioners only. The petitioners mother has not claimed maintenance for herself. It is a well established fact that the maintenance amount is only to obtain a financial support from the respondent, till the final disposal of the main petition, which was not considered by the learned Judge.

5. Considering the facts of the case, this Court is of the view that no prejudice will be caused by taking up the interim maintenance petition as the



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maintenance amount is necessary for the welfare of the children. Further the respondent as the father of the child is duty bound to maintain the children.

6. In view of the above, this Court directs the learned Judge to take up the interim maintenance petition and dispose of the same within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions this Criminal Revision Case stands disposed of .

04.11.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The learned V Additional Family Court at Chennai



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T.V.THAMILSELVI, J.

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