



CRL RC(MD)No.1007 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Minor.R.Iswarya ... Revision Petitioner

(Minor petitioner rep. by her guardian /
Maternal grandmother V.Kasthuri)

Vs.

M.Ramlingam ... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to modify and enhance the maintenance passed in M.C.No. 85/2014 by the learned Family Court, Dindigul, dated 22.03.2017, and consequently direct the respondent to bear the entire educational expenses of the petitioner herein and to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) per month towards the minor's other expenses, and further to increase the monthly remittance into the minor's recurring deposit account to Rs.5,000/- (Rupees Five Thousand only).

For Petitioner : Mr.K.R.Laxman

For Respondent : Mr.P.Thinesh

ORDER

Challenging the order passed by the learned Family Court, Dindigul, in M.C.No.85 of 2014, dated 22.03.2017, this Criminal



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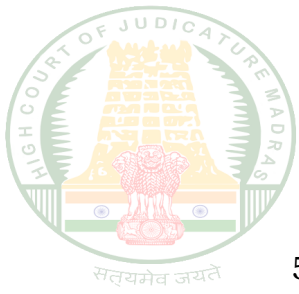
Revision case is filed.

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2. The petitioner is the minor daughter of the respondent. The petitioner, through her guardian/grandmother, one V.Kasthuri, filed a petition under Section 125 of the Code of Criminal Procedure, 1973, seeking maintenance for a sum of Rs.10,000/- (Rupees Ten Thousand only) per month from the respondent father. The respondent who is the father of the minor petitioner, married the petitioner's mother, namely, Rajeshwari, on 07.01.2008. Due to the indifference between the petitioner's parents, they were separated for some time.

3. After mediation, they reunited. Later, the petitioner's mother committed suicide by hanging herself on 03.04.2012. After the funeral of the mother, the minor child is under the care and custody of her maternal grandparents. The respondent father has completely neglected to maintain his minor daughter. Hence, the petition for maintenance before the learned Family Court, Dindigul, has been filed.

4. The respondent before the learned Trial Court had admitted that the petitioner is his daughter, and he has denied the claim of the petitioner that he is earning an amount of Rs.40,000/- (Rupees Forty Thousand only) per month.



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5. The learned Trial Court had examined the grandmother of the petitioner as PW-1 and had marked Ex. P-1 to P-4 on the side of the petitioner and on the side of the respondent no witness was examined.

6. However, one joint compromise memo endorsed by both parties came to be marked. Ex. R-1 is an agreement between the respondent and the petitioner's maternal grandparents that the respondent would be allowed to visit the child over the weekend and he will take care of the entire educational expenses of the child and in addition to that he will pay an amount of Rs.3,000/- (Rupees Three Thousand only) per month to the grandmother of the minor petitioner for her maintenance and will also deposit Rs.2,000/- (Rupees Two Thousand only) each month in a recurring deposit in the name of the minor child for future expenditures and the same has also been duly acknowledged and agreed by the grandmother of the minor petitioner who deposed her evidence as PW-1.

7. Based on the same, the learned Trial Court, observing that the respondent is in disgust with sore feelings for the reason that he is not allowed to visit his child continuously, has defied and reached an agreement in paying the agreed amount in terms of Ex.R-1. However, concluding that the petitioner had failed to prove the monthly income of

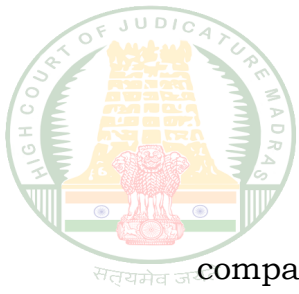


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the respondent as claimed by her, the learned Trial Court, relying upon Ex.R-1, directed the respondent to pay an amount of Rs.3000/- (Rupees Three Thousand only) each month towards the expenditure of the child to the guardian Mrs.V.Kasthuri before 5th day of each English calendar month and also directed to remit Rs.2000/- (Rupees Two Thousand only) as recurring deposit in the name of the minor child, making Exhibit R-1 as a part of the decree, the M.C.No.85 of 2014 was allowed. Challenging the same, seeking to enhance the maintenance, this Criminal Revision case is filed.

8. The learned counsel for the petitioner submitted that the respondent is running a private company and he owns two houses through which he is also receiving a rental amount, as such, he is earning a total income of Rs.40,000/- (Rupees Forty Thousand only) every month and hence, he has to pay atleast Rs.10,000/- (Rupees Ten Thousand only) as maintenance.

9. Per contra, the learned counsel for the respondent submitted that the claim of the learned counsel for the petitioner that the respondent is earning more than Rs.40,000/- (Rupees Forty Thousand only) per month is baseless and even before the learned Trial Court, she had miserably failed to prove that the respondent is running a private



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company and that the claim that he owns two houses, is a new story now raised by the learned counsel for the petitioner and pressed for dismissal of the criminal revision case.

10. Heard the learned counsels on either sides and carefully perused the materials available on record.

11. Considering the case from any angle, I am of the considered view that Rs.5,000/- (Rupees Five Thousand only), that too an amount of Rs.3,000/- (Rupees Three Thousand only) towards other expenses and Rs.2,000/- (Rupees Two Thousand only) towards recurring deposit would be a very meagre amount with which the grandmother cannot maintain the minor child of the respondent.

12. In view of the same, the respondent is directed to pay an amount of Rs.5000/- (Rupees Five Thousand only) each month towards other expenses of the child to one Mrs.V.Kasthuri before 5th day of each English calendar month and the respondent is also directed to remit Rs. 2000/- (Rupees Two Thousand only) per month in a recurring deposit in the name of the minor.



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13. Accordingly, the impugned order is modified and the Criminal Revision case is allowed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

1.The Family Court, Dindigul.



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L.VICTORIA GOWRI, J.,

Sml

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