



CRL MP(MD) NO. 10602 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

CRL MP(MD) NO. 10602 of 2025

IN

CRL.RC(MD)NO.35 of 2024

1.S. Fathima Sheerin
2.Minor.Mohamed Abseen

Petitioner(s)

Vs

Mohamed Asarudeen

Respondent(s)

For Petitioner(s):
Mr.S. Vignesh Shunmugam
for M/s. Ajmal Associates

For Respondent(s):
Mr.Badrus Zaman

Prayer:

C-60. To direct the respondent/revision petitioner herein to pay a sum of Rupees Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) interim maintenance to the 1st petitioner towards the school fees of the minor child within the time stipulated by this Court.



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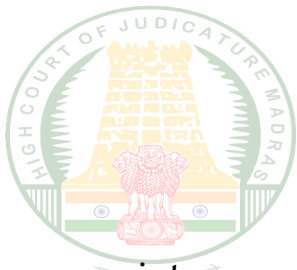
ORDER

Challenging the order passed by the Family Court, Dindigul in M.C.No.34 of 2022, the respondent/husband in the maintenance case had preferred Crl.R.C(MD) No.35 of 2024.

2. During the pendency of the same, Crl.M.P(MD)No.10602 of 2025 is filed by the wife and minor son seeking an interim maintenance of Rupees Rs.1,50,000/- towards the school fees of the minor child.

3. When the matter is taken up for hearing, the learned counsel for the respondent/husband submitted that the wife is a Software Engineer working in TCS and she is drawing a take home salary of Rs.39,180/- and the same is marked as Exhibit R.19 before the learned Trial Court. He pointed out that the husband is currently jobless and hence, pressed for dismissal of the application.

4. The learned counsel for the petitioner/wife submitted that the wif is jobless and the child is studying 3rd standard in Vijay Vidhrashram School, Chennai and yearly fee is Rs.1,50,000/-. He also pointed out that there is a total arrears of



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maintenance to a tune of Rs.5,00,000/-, of which not even a single penny has been so far paid by the husband and she is finding it difficult to pay the school fee of the minor son and thus, pressed for allowing the interim application.

5. Heard the learned counsel for both the parties and carefully perused the materials available on record.

6. A careful perusal of the impugned order in the revision case would reveal that the petitioner herein / wife is working in TCS in terms of Exhibit R.19 marked by the learned Trial Court and she is drawing a take home salary of Rs.39,180/- and it is also observed by the learned Trial Court that the husband at the time of cross-examination had accepted that he is drawing an amount of Rs.80,000/- as monthly salary. Taking into consideration the judgment of the Hon'ble Apex Court in the case of Rajnesh Vs. Neha, reported in 2021 (1) MLJ CrI. 124 (SC), the learned Trial Court had allowed the maintenance case recording the fact that the employment of a wife will not absolve her right to claim maintenance from the husband who is also working and drawing a handsome salary than that of her.

7. Accordingly, since both of them are working in terms of the order passed by



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the learned Trial Court, I make it clear that it is a responsibility of both the parents to share the educational expenditure of the minor child. The husband is directed to pay the fees of the first term forthwith in the school itself.

8. Accordingly, this Criminal Miscellaneous Petition is ordered by modifying the impugned order.

sd/-
21/08/2025

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/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

The Judge,
Family Court, Dindigul.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9078[I] dated 22/08/2025)



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ORDER
IN
CRL MP(MD) NO. 10602 of 2025
IN
CRL.RC(MD)NO.35 of 2024
Date :21/08/2025

AS/16.09.2025/5P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.