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CRL MP No. 834 of 2
in Crl.R.C.No.1360 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL.M.P.No. 834 of 2026
in Crl.R.C.No.1360 of 2019

1. J.K.Sathya
W/o. Sivasankar

2. Master S.Theja (Minor)
S/o Sivasankar
Rep by Mother and Natural Guardian,
J.K.Sathya

..Petitioner(s)

Vs

P.Sivasankar
S/o A.Perumal

..Respondent(s)

Prayer: This petition filed under Section 528 of B.N.S.S. 2023, seeking modification of the Conditions imposed in Para 5(2) dated 17.03.2025 passed by this Court in Crl.M.P.No.5042 of 2025 in Crl.R.C.No.1360 of 2019.

For Petitioner(s): Ms.L.Sweety

For Respondent(s): Mr.R.Sankarasubbu

ORDER

The 1st petitioner / estranged wife and the 2nd petitioner, minor son filed this modification petition seeking to modify the order passed in Crl.M.P.No.5042 of 2025, dated 17.03.2025. The 1st petitioner earlier filed maintenance case in M.C.No.35 of 2017 before the learned Judicial Magistrate,



Ambattur, seeking maintenance of Rs.5,000/- per month to the 1st petitioner and Rs.20,000/- per month to the 2nd petitioner. The trial Court considering the evidence and materials on record, rejected the 1st petitioner's claim of maintenance and awarded Rs.15,000/- to the 2nd petitioner / minor son, and directed to be paid on or before 10th of every English Calendar month. Against which, respondent husband, filed CrI.R.C.No.1360 of 2019 and CrI.M.P.No.18135 of 2019. Considering the rival contentions, this Court vide order dated 14.07.2022 had passed the following order:

“ ...

4. Considering the peculiar facts and circumstances of this case, the revision petition is disposed off on the following terms:

(i) The order of the learned Judicial Magistrate, Ambattur, dated 08.11.2019 in M.C.No.35 of 2017, granting a sum of Rs.15,000/- per month as maintenance to the second respondent namely the minor S.Theja, is upheld;

(ii) It is represented that, so far the petitioner has been depositing the entire maintenance amount to the credit of the said M.C.No.35 of 2017 and the petitioner shall deposit the arrears if any to the credit of M.C.No.35 of 2017 until the month of June, 2022;

(iii) For the maintenance amount payable from the month of July, 2022, a sum of Rs.11,000/- per month shall continued to be deposited to the credit of M.C.No.35 of 2017 and a sum of Rs.4,000/- shall be deposited to the bank account of the minor



child in bank account (A/c.No.20258782799, IFSC-SBIN0001516, SBI, Egmore) every month;

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(iv) The entire arrear amount shall not be withdrawn by the second respondent / minor child, until the trial of the case in S.C.No.86 of 2019, pending on the file of the Mahila Court, Thiruvannamalai, is completed; and

(v) In the meanwhile, the learned Judicial Magistrate, Ambattur, is required to invest all the arrear amount so far deposited, into an interest bearing deposit in any nationalized bank or a bank of the choice of the learned Magistrate and also the future amount that will be deposited, in an interest bearing deposit, so that, it bears interest and the same can be paid along with the accrued interest after the completion of the trial in S.C.No.86 of 2019 to the second respondent, minor S.Theja.

2. Thereafter, the petitioner filed a modification petition in CrI.M.P.No.5042 of 2025, and this Court vide order dated 17.03.2025 modified the order as follows:

“....

5. In view thereof, considering the apprehensions that are expressed on behalf of the father and taking into account the overall facts and circumstances of the case, the order passed in CrI.R.C.No.1360 of 2019 is modified on the following terms:

(1) The petitioner in the criminal revision, namely,



P.Sivashankar shall pay the entire school fees and the bus fees of the minor child. As indicated in the petition, the fees for the entire academic year 2025-2026 shall be paid directly to the school namely, BHAGTHAVATCHALAM VIDYASRAM, Korattur, Chennai 600 050;

(2) This apart, the petitioner henceforth from the month of April 2025 shall deposit a sum of Rs.7,000/- to the account of the minor child and the balance of Rs.8,000/- shall be deposited to the credit of the M.C.No.35 of 2017 as per the original direction; and

(3)The parties can move for further modification after the appeal is decided or depending on the further needs.”

3.The present petition is filed seeking further modification of the conditions imposed in Paragraph No.5(2) of the order dated 17.03.2025 passed by this Court in Crl.M.P.No.5042 of 2025 in Crl.R.C.No.1360 of 2019, for the reason the 2nd petitioner is a minor, aged about 12 years, and he is under the care and custody of the 1st petitioner's father J.Krishnamoorthy. The 2nd petitioner is studying in VI Standard at Bhaktavatsalam Vidyashram, T.N.H.B. Colony, Korattur, Chennai 600 080. Since the 1st petitioner now terminated from the services of State Bank of India due to the criminal case against her, the 1st petitioner's father, retired from Bank service, a senior citizen, has to meet his medical expenses and also upbringing the 2nd petitioner. It is also the contention that out of the maintenance amount of Rs.15,000/-, Rs.8,000/- is deposited in M.C.No.35 of 2017 and Rs.7,000/- alone is credited to the account of the minor



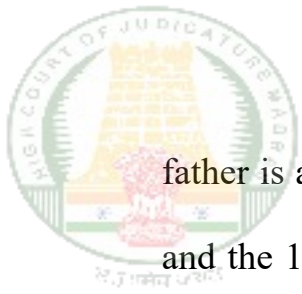
child. This amount is not sufficient to meet out the expenses of the 2nd petitioner.

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4.The 1st petitioner also states that the maintenance petition was originally filed when the 2nd petitioner was in L.K.G. and now he is in VI Standard. The education expenses and other expenses now had a steep raise and hence filed this petition seeking enhancement of the maintenance amount from Rs.15,000/- to Rs.50,000/-. Further, the respondent / father of the minor son, is an Engineer and serving in a Central Government Organization and he is earning salary to the tune of Rs.3,08,025/-. Hence sought for modification of the impugned order dated 17.03.2025.

5.The learned counsel for the respondent strongly opposed the petitioner's contention and submitted that the petitioner had done away the respondent's mother by engaging henchmen and she is an accused in a murder case and found guilty, convicted by the trial Court vide judgment dated 20.05.2024 in S.C.No.86 of 2019. She was imprisoned at Special Prison for Women, Chennai. Thereafter, she preferred an appeal in CrI.A.No.760 of 2024, which is pending before this Court. Later the 1st petitioner was released on bail during April 2025.

6.It is the further contention of the respondent that the 1st petitioner's



father is a retired Manager from UCO Bank Manager, having sufficient income and the 1st petitioner's mother is the Port Manager, Chennai Port Trust having sufficient income. They have several house properties in Chennai and having sufficient income. As per the orders of this Court, the respondent is regularly paying the school fees and transportation fees for the 2nd petitioner, without any restrictions. As regards the maintenance amount of Rs.15,000/-, Rs.8,000/- is credited to the M.C.No.35 of 2017 and Rs.7,000/- is credited to the minor son's bank account. This amount is more than sufficient for the food and other expenses. The contention of the 1st petitioner that she is now without any employment and income and seeking for modification of the maintenance amount cannot be agitated in this petition. She is involved in a murder case, murdered the mother of the respondent and now seeking enhancement of maintenance amount to Rs.50,000/- without any reason or justification. The 1st petitioner's contention that the respondent is earning around Rs.3,08,025/- is denied. The claim of petitioner is imaginary without any substance. The respondent is ready and willing to take care of the 2nd petitioner, if there is any difficulty faced by the 1st petitioner.

8. At this juncture, the learned counsel for the 1st petitioner submitted that initially the maintenance case was filed by the 1st petitioner when the 2nd petitioner was in L.K.G. and now he is in VI Standard and the expenses have now been increased manifold. Due to the orders passed in CrI.R.C.No.1360 of



2019, the 1st petitioner is unable to file any other petition before the trial Court.

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9. The above contention of the 1st petitioner may not be proper in view of the Section 127 of the Cr.P.C. The 1st petitioner is at liberty to approach the trial Court by filing a petition under Section 127 of Cr.P.C. or any other appropriate petition wherein alteration in allowance is permitted on proof of change in circumstances.

10. In this case, if the 1st petitioner is able to prove that there is a change in circumstances and needs alteration in the maintenance amount, it is for her to approach the trial Court. Further, it is seen that CrI.R.C.No.1360 of 2019 already disposed of by this Court on 14.07.2022. As on date, no Revision is Petition pending. Consequently, no Criminal Miscellaneous Petition can be entertained. It is made clear that the Criminal Revision filed before this Court is for the earlier period and not for the subsequent change of circumstances.

11. With the above observation, this Criminal Miscellaneous Petition stands dismissed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

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