

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.1281 of 2016

and

CrI.M.P.No.11455 of 2016

S.Prakash
S/o.Late G.Sukumaran

... Petitioner

Vs.

1. P.Devi Bala
W/o.S.Prakash

2. Nithish Kumar
represented by the next friend and
Natural Guardian of his mother

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned III Additional Judge, Family Court,
Chennai, passed in M.C.No.491 of 2009 on 11.07.2016.

For Petitioner : Mr.R.Meenakshi

O R D E R

This revision arises against the order of learned III
Additional Judge, Family Court, Chennai, passed in M.C.No.491 of
2009 on 11.07.2016.

2. Petitioner and first respondent were married on
27.05.2007. Out of the wedlock, a male child was born to them.
Differences arose between them. Petitioner filed O.P.No.333 of
2008 on the file of learned Principal Sub Judge, Tambaram,
seeking divorce. Respondents filed M.C.No.491 of 2009 on the
file of learned III Additional Judge, Family Court, Chennai,
seeking maintenance. Court below, under the impugned order,
directed the petitioner to pay a sum of Rs.3,000/- p.m. to the
first respondent and Rs.2,000/- p.m. to the second respondent.
Against such order, this revision has been filed.

3. Heard learned counsel for petitioner.

4. Court below, considering the increase in the cost of living and family status of parties, directed the petitioner to pay a sum of Rs.3,000/- p.m. to the first respondent and Rs.2,000/- p.m. to the second respondent. The amount awarded by the Court below cannot said to be unjust or unreasonable.

This Criminal Revision is dismissed. Connected miscellaneous petition is closed. However, considering the submission of learned counsel for petitioner that the petitioner has lost all his belongings in last years flood at Velacherry, the Court below may consider the feasibility of affording a period for payment of arrears, say about 6 months, of course on the condition that the petitioner, as submitted by learned counsel for petitioner, effects an immediate lump sum payment of Rs.1,00,000/- within a period of one month from today and continues to effect payment of maintenance from month to month without fail. The above order is not be seen as anyway diluting the petitioner's duty to effect payment of maintenance or the right of the respondent to recover the same under due process of law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

The III Additional Judge,
Family Court,
Chennai.

+1cc to Mr.R.Meenakshi, Advocate, S.R.No.

Cr1.R.C.No.1281 of 2016

NR(CO)
CA(30/11/2016)