

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.04.2016

CORAM

THE HON'BLE Dr.JUSTICE P.DEVADASS

Criminal Revision Case No.1541 of 2013  
and  
M.P.No.1 of 2013

L.M.Y. Yejas

.. Petitioner

vs.

G.Naasira Begum

... Respondent

Criminal Revision Petition filed U/S 397 & 401 of Cr.P.C against the order dated 21.10.2013 made in M.P.No.290 of 2013 in M.C.No.357 of 2012 on the file of learned III Additional Principal Judge Family Court, Chennai.

For petitioner : Mr.N.Istiaq Ahmed

For respondent : Mr.O.S.Vijaya Sarathi

ORDER

Aggrieved as against the order of interim maintenance granted in M.P.No.290 of 2013 in M.C.No.357 of 2012 by the learned III Additional Principal Judge, III Family Court, Chennai, respondent's husband has directed this revision.

2. The revision petitioner is a Lab Assistant in New College, Royapettah. He is a permanent staff. By way of interim measure, under the impugned order, the trial Court directed him to pay his wife Rs.4,000/- per month towards interim maintenance and a lump sum amount of Rs.10,000/- towards her travelling and medical expenses and Rs.5,000/- (lump sum) towards litigation expenses.

3. The learned counsel for the petitioner would contend that the petitioner's take home salary itself is very less and he has to take care of his ailing mother also, in such circumstances, the amount ordered is excessive.

4. On the other hand, the learned counsel for the respondent submits that what was granted itself is very less, while the petitioner is getting more.

5. In the facts and circumstances, we do not want to disturb the interim arrangement made by the trial Court, we accept the submissions of both sides for the early disposal of the main M.C. Case itself.

6. Unlike other litigations in the Family Court, the maintenance matters require quick disposal. As per provisions of Section 125 Cr.P.C, there petitions have to be enquired into in a summary manner. They need not be conducted like a complicated sessions case or a time consuming civil case. Actually what is involved in a petition under Section 125 Cr.P.C is considering the financial capacity of the spouses, financial inability of the wife to maintain herself and financial ability of the husband - his inertia or neglect of his wife to discharge his marital obligation. This could be decided in a summary manner. It is very disturbing to note that this maintenance case is pending before the Family Court since 2012.

7. In view of the foregoing, this Revision is dismissed. The learned III Additional Principal Judge, III Family Court, Chennai, is directed to dispose of the maintenance case in M.C.No.357 of 2012 within a period of two months from the date of receipt of a copy of this order and submit the completion report to the Registrar (Judicial) of this Court. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

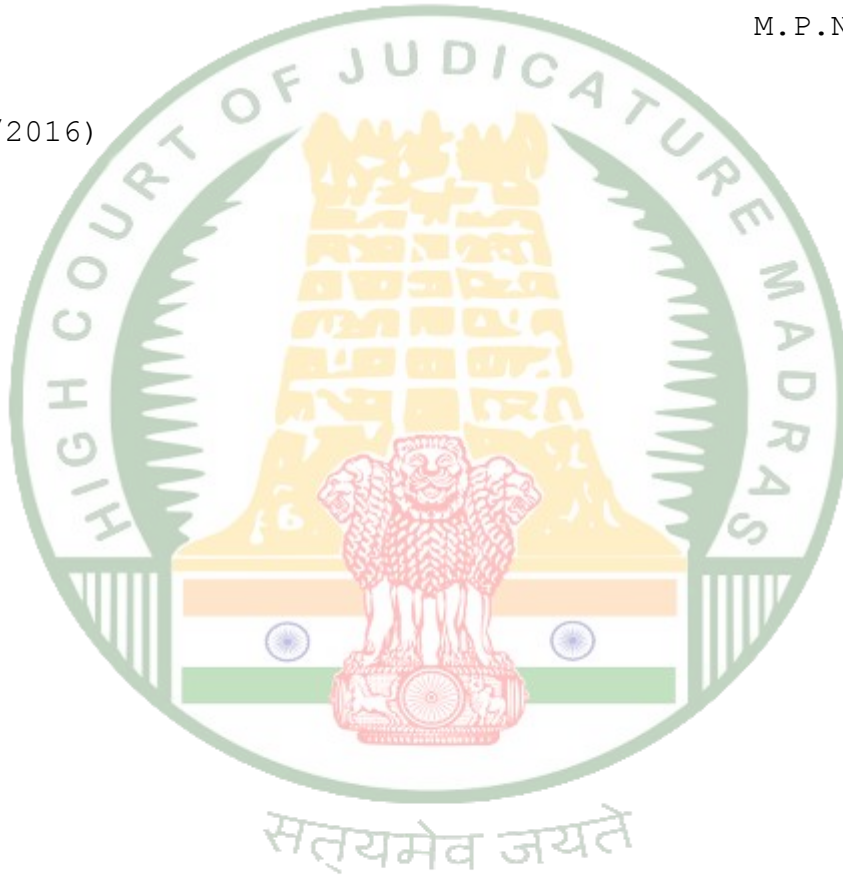
1. The Principal Judge,  
Family court,  
Chennai.

2. The III Additional Principal Judge,  
Family Court,  
Chennai.

+1cc to Mr.N.Istiaq Ahmed, Advocate, S.R.No.21955  
+1cc to Mr.Kingston Jerold, Advocate, S.R.No.21547

Crl.Revision Case No.1541 of 2013  
and  
M.P.No.1 of 2013

srg(07/04/2016)



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