

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case Nos.210 and 1182 of 2011

Crl. Revision Case No.210 of 2011

S.Gnanasekaran ... Petitioner

A.Beulah ... Respondent

Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure to call for the records in M.C.No.451 of 2008 on the file of the I Additional Family Court, Chennai revise and set aside the impugned order dated 02.06.2010 in M.P.No.128 of 2008 in M.C.No.451 of 2008.

Crl. Revision Case No.1182 of 2011

A.Beulah ... Petitioner

S.Gnanasekaran ... Respondent

Criminal Revision filed under Sections 397 r/w 401 of the Code of Criminal Procedure to call for the records in M.P.No.128 of 2008 in M.C.No.451 of 2008 on the file of the I Additional Family Court, Chennai in as much as the learned Judge has granted only a sum of Rs.7,000/- per month to the petitioner and direct the respondent to pay a sum of Rs.10,000/- to the petitioner as maintenance pending disposal of M.C.No.451 of 2008.

For Petitioner : No Appearance
(petitioner in Crl.R.C.No.210
of 2011 and for respondent
in Crl.R.C.No.1182 of 2011)

For Respondent : M/s.P.V.S.Giridhar and
Sai Associates
in Crl.R.C.No.210 of 2011 and
for petitioner in
Crl.R.C.No.1182 of 2011

C O M M O N O R D E R

The Criminal Revision Case No.210 of 2011, has been filed by the husband against the interim order passed in M.P.No.128 of 2008 in M.C.No.451 of 2008 dated 02.06.2010 by the learned I Additional Family Court, Chennai granting interim maintenance.

The Criminal Revision Case No.1182 of 2011 has been filed by the wife seeking enhancement of the maintenance from a sum of Rs.7,000/- per month to Rs.10,000/- per month to the petitioner as maintenance pending disposal of M.C.No.451 of 2008.

2.The husband is the petitioner in Crl.R.C.No.210 of 2011 and respondent in Crl.R.C.No.1182 of 2011. The wife is the respondent in Crl.R.C.No.210 of 2011 and petitioner in Crl.R.C.No.1182 of 2011.

3.Earlier, the wife filed a petition under Sections 125 of Cr.P.C and 12(1) r/w Sections 18, 19, 20 and 22 of the Prevention of Domestic Violence Act, against her husband and three others in M.C.No.451 of 2008 on the file of the I Additional Family Court, Chennai. Pending the same, the wife filed a petition in M.P.No.128 of 2008 in M.C.No.451 of 2008 seeking interim maintenance at the rate of Rs.10,000/- per month.

4.According to the wife, her husband is working as a B.T. Assistant in one Palaniappa High School, Solapuram, earlier he has agreed to pay a sum of Rs.6,000/- per month as maintenance to his wife and her children before the Deputy Superintendent of Police, Rajapalayam. The husband is getting a sum of Rs.20,000/- per month as salary, and he is also earning a sum of Rs.10,000/- per month from agricultural source, and in total he is earning a sum of Rs.30,000/- per month, hence sought for interim maintenance at the rate of Rs.10,000/-.

5.The Court below, after considering the facts and circumstances of the case and also considering the material available on record, by order dated 02.06.2010, directed the husband to pay a sum of Rs.7,000/- per month to his wife and child towards interim maintenance from the date of filing of the petition. Challenging the above order, the husband filed Criminal Revision No.210 of 2011. Not being satisfied with the order 02.06.2010, the wife filed Criminal Revision No.1182 of 2011 for enhancement of maintenance.

6.I have heard the petitioner in Crl.R.C.No.1182 of 2011 and the respondent in Crl.R.C.No.210 of 2011 and perused the records.

7.Though notice was served on the petitioner in Crl.R.C.No.210 of 2011 and the respondent in Crl.R.C.No.1182 of 2011 and his name was printed in the cause list, there was no representation on behalf of him.

8.It is only an interim maintenance ordered pending the main case. The Court below, considering the fact that the petitioner/husband in Crl.R.C.No.210 of 2011, is working as B.T.Assistant in Palaniappa High School, Solapuram and earning a sum of Rs.20,000/- per month as salary and Rs.10,000/- per month through cultivation, awarded interim maintenance a sum of Rs.7,000/- per month to the wife and child and the same is reasonable, hence, this Court feels that there is no reason to interfere with order passed by the Court below and therefore, both the revisions are liable to be dismissed.

9.Since M.C.No.451 of 2008 is pending for long time, the learned I Additional Family Judge, Chennai is directed to dispose of the same within a period of three months from the date of receipt of a copy of this order.

10.In the result, Criminal Revision Nos.210 and 1182 of 2011 are dismissed. The order of the trial Court passed in M.P.No.128 of 2008 in M.C.No.451 of 2008 is hereby confirmed.

Sd/-
Assistant Registrar(CS)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Judge, I Additional Family Court,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Crl.R.C.Nos.210 and
1182 of 2011

RJ(CO)

EU(20/11/2017)