

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.1063 of 2016
and
Crl.M.P.No.10067 of 2016

G.Sankara Narayanan @ Suresh

... Petitioner

Vs

G.Sumathi @ Indira

... Respondent

This Criminal Revision Case has been filed under Section 397 & 401 of Cr.P.C. to set aside the order dated 21.06.2016 passed by the 1st Additional Judge, Family Court, Chennai in M.C.No.146 of 2009.

For petitioner : Mr.P.Krishnan

For Respondents : M/s.S.Thamizharasi

ORDER

Challenging the order granting maintenance at Rs.5,000/- per month, the present criminal revision case has been filed.

2. Earlier, the respondent herein filed a petition in M.C.No.146 of 2009 under Section 125 Cr.P.C before the learned Additional Judge, Family Court, Chennai, seeking maintenance at the rate of Rs.10,000/- per month.

Pending such application, the respondent herein approached the Court by way of a petition in Crl.O.P.No.4395 of 2013 before this Court, seeking early disposal of maintenance case. This Court, by order dated 22.02.2013 passed

the following orders:-

"3. Considering the submission made by the learned counsel for the petitioner, the learned I Additional Family Court, Chennai, is directed to complete the trial in M.C.No.146 of 2009 within a period of three months from the date of receipt of a copy of this order, otherwise, the learned Judge is directed to order for interim maintenance to the petitioner. This Criminal original petition is ordered accordingly."

Since the Maintenance Case has not been disposed of within a prescribed time fixed by this Court, the trial Court passed an order on 21.06.2016, thereby directing the respondent to pay a sum of Rs.5,000/- per month to the petitioner towards maintenance. Challenging the said order, the present criminal revision case has been filed.

3. The learned counsel appearing for the petitioner would submit that the Court below, without considering none of the document produced by the petitioner, mechanically passed an order granting maintenance at the rate of Rs.5,000/- per month. Apart from that the petitioner alleged that the respondent is working in a private company and earning a sum of Rs.15,000/- per month and she has given false address regarding her residence and she did not approach the Court with clean hands

<http://www.judis.nic.in> and he sought for allowing the criminal revision case and setting aside the

order passed by the Court below.

4. Per contra, the learned counsel appearing for the respondent would contend that the petitioner is working as an Accountant in Southern Railway and getting a salary of Rs.25,000/- per month and so far he has not even paid single pie to the respondent as maintenance and she is not in a position to maintain herself and she sought for dismissal of the criminal revision case.

5. I have considered the rival submissions.

6. In the case, the marriage between the parties is admitted. The respondent is the legally wedded wife. It is also not in dispute that the petitioner remarried another lady. It is seen from the impugned order that the trial could not set completed as directed by this Court. Hence, the learned Judge passed the impugned order.

7. Since the revision has been filed against the order of interim order of maintenance granted by the Court below and it is seen that the trial has already commenced and almost all the witnesses have been examined and on considering all other facts and circumstances of the case, without going

V.BHARATHIDASAN, J.

rrg/kas

into the merits of the case, the learned I Additional Judge, Family Court, Chennai is directed to dispose of the case in M.C.No.146 of 2009 within a period of three months from today. The Petitioner is directed to pay a sum of Rs.2,00,000/- (Two lakhs only) towards arrears of maintenance within a period of four months in four installments and the first such installment should be paid on or before 10.11.2017 and the second such installment should be paid on or before 10.12.2017 and the third such installment should be paid on or before 10.01.2018 and the fourth such installment should be paid on or before 10.02.2018. On every such deposit the respondent herein is entitled to withdraw the same. The petitioner and the respondent are directed to cooperate with the trial Court for early disposal of the maintenance case in M.C.No.145/2006 by the learned I Additional Judge, Family Court, Chennai. The learned Judge, shall dispose of the case within a period of three months from the date of receipt of a copy of this order.

8. With the above observation, the criminal revision case is disposed of. Consequently, connected, M.P. is closed.

27.06.2017

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Note: Issue order copy on 09.10.2017

<http://www.judis.nic.in>
To

The I Additional Judge, Family Court, Chennai.