

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM:

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

Crl.R.C.No.1158 of 2016
and
Crl.M.P.No.10176 of 2016

J.Kumar

.. Petitioner

vs.

1.Ananthi

2.K.Mithra

3.K.Rishika
minor represented by
first respondent

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned II Additional Judge, Family Court, Chennai, passed in M.P.No.291 of 2015 in M.C.No.328 of 2014 on 29.07.2016.

For Petitioner : Mr.C.R.Malarvannan

For respondents : Mr.S.Senthilmurugan

O R D E R

Petitioner challenges the order of learned learned II Additional Judge, Family Court, Chennai, passed in M.P.No.291 of 2015 in M.C.No.328 of 2014 on 29.07.2016.

2. Petitioner and first respondent were married on 26.04.1992. Out of the wedlock, two girl children were born. Differences arose between them. Petitioner filed O.P.No.1679 of 2014 on the file of learned Judge, Family Court, Chennai, seeking divorce. Respondents moved M.P.No.291 of 2015 in M.C.No.328 of 2014 on the file of learned II Additional Principal Judge, Family Court, Chennai seeking interim maintenance. Court below by way of interim maintenance, under order dated 29.07.2016, required the petitioner to effect payment in a sum of Rs.7,000/- p.m. to the first respondent/wife and Rs.5,000/- each to the second and third respondents. It has further required the petitioner to effect payment in a sum of

Rs.25,000/- p.a. towards bus transportation fees for the second respondent and Rs.75,000/- p.a for her studies and Rs.25,000/- towards litigation expenses. Challenging such order, the present revision has been filed.

3. Heard learned counsel for petitioner and the learned counsel for respondents.

4. Learned counsel for petitioner submitted that the second respondent had completed the BDS course and towards funding such education petitioner has availed of a loan in a sum of Rs.7,00,000/- from UCO bank and is to effect repayment of equal monthly instalments in sums of Rs.23,915/-. The petitioner's take home salary is only Rs.30,000/- and requiring him to pay interim maintenance places him way beyond his means.

5. Learned counsel for respondents submits that more than a sum of Rs.10,00,000/- is due and petitioner should be directed to forthwith effect at least part payment thereof.

6. Considering the rival submissions this Court is of the view that it would be appropriate to pass the following order:

(1) Petitioner is directed to effect payment of sum of Rs.3,00,000/- to the credit of M.C.No.328 of 2014 within a period of four weeks from the date of receipt of a copy of this order. Respondents may withdraw such sum on due application.

(2) Petitioner shall effect payment of interim maintenance of Rs.12,000/- (4000X3) on or before 5th of every succeeding month pending disposal of the main case.

Court below is directed to dispose of the main case in M.C.No.328 of 2014 within a period of three months from the date of receipt of a copy of this order. It will be open to either side to raise all contentions considered appropriate. Criminal Revision is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The II Additional Judge,
Family Court,
Chennai

+1cc to M/S. S. Senthil Murugan, Sr. 13458
+1cc to M/S. N. Mohideen Basha, Sr. 1348

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AD(CO)
VR(17/03/2017)



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