

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

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

Crl.R.C.No.1596 of 2016

K.Jai kumaar

.. Petitioner

Vs.

Gnana Prabha

..Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. Praying to set aside the order passed in M.P.No.169 of 2016 in M.C.No.266 of 2015 dated 24.10.2016 on the file of Principal Judge, Principal Family Court, Chennai.

For Petitioner : Mr.M.Vivekanandan

For Respondent : Mr.I.Charles

ORDER

This revision challenges the order of interim maintenance passed by learned Principal Judge, Principal Family Court, Chennai in M.P.No.169 of 2016 dated 24.10.2016 directing respondent to pay Rs.10,000/- p.m. to petitioner.

2. Heard learned counsel for petitioner and learned counsel for respondent.

3. Learned counsel for petitioner submits that the respondent/wife has deserted the petitioner and minor son of the couple, now studying 8th standard, who is in the custody of the petitioner. Learned counsel submits that though the respondent preferred petition for interim maintenance, the same was not pursued for a period of 1 ½ years . He further submits that the petitioner is willing to meet the main case on merits.

4. Learned counsel for respondent submits that the petitioner is earning more than Rs.30,000/- p.m. and he is duty bound to maintain the respondent/wife.

5. Considering the rival submissions and taking note of petitioner's willingness to pay a sum of Rs.2,500/- p.m. to the respondent expressed in his counter, this Court disposes of this revision with the following direction :

i) the petitioner shall pay Rs.5,000/- p.m. towards interim maintenance to the respondent from the date of filing of the original petition before the court below within a period of one month from the date of receipt of a copy of this order and continue to pay Rs.5,000/- p.m. on or before the 5th of every succeeding month failing which, this revision shall stand dismissed without further reference to this Court.

ii) the Court below shall dispose of M.C.No.266 of 2015, within a period of three months from the date of receipt of copy of this order without fail,

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

The Principal Judge,
Principal Family Court,
Chennai.

+1cc to Mr.M. Vivekanandan, Advocate SR. 9757/17

+1cc to Mr.I.Charles, Advocate SR. 9761

Copy to:-

The Section Officer,
Criminal Section,
High Court, Madras.

Cr1.R.C.No.1596 of 2016

AK (CO)
VR (2/03/2017)