

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.01.2018
CORAM
THE HON'BLE MR.JUSTICE C.T. SELVAM
Crl.RC.No.1088/2017 & Crl.MP.No.10193/2017

M.Kumaran

..Petitioner/Respondent

Vs.

Master K.Rahul

Minor represented by his mother
and Natural Guardian S.Vasanthi

.. Respondent/Petitioner

Criminal Revision filed under section 397 and 401 of the Code of Criminal Procedure against the order dated 06.06.2017 made in MP.No.295/2016 in MC.No.408/2015 on the file of the learned Judge, III Additional Family Court, Chennai.

For Appellant : Mr.S.Manohar
For Respondent : Mr.Ramesh Ganapathy for
M/s.Mission Legal Advocates

ORDER

The petitioner is the father of the respondent - minor son and challenging the order passed in MP.No.295/2016 in MC.No.408/2015 dated 06.06.2017, by the learned Judge, III Additional Family Court, Chennai, he has filed the present revision.

2 The respondent herein - minor child of the couple, viz., the petitioner and his wife S.Vasanthi, has filed MC.No.408/2015 on the file of the III Additional Family Court, Chennai, through his mother and natural guardian, seeking maintenance and pending disposal of the same, has filed MP.No.295/2016 seeking interim maintenance of a sum of Rs.40,000/--. The Court below, on consideration of the facts and circumstances, had ordered payment of Rs.7,500/- per month as interim maintenance to the minor petitioner/respondent herein from the date of petition, i.e., 21.03.2016, on or before 5th of every English Calendar month. Challenging the same, the petitioner / father of the minor son has filed the present revision.

3 The learned counsel for the petitioner submits that the sum of Rs.7,500/- per month towards interim maintenance for the minor son of the couple is on the higher side and he would further submit that his wife / mother of the minor son is also a Central Government employee, earning about Rs.60,000/- per month

and though the petitioner is also an employee in the Income Tax Department, he has to take care of his ill and aged mother. Learned counsel would also submit that in compliance of the earlier direction of this Court, he has effected the deposit of the sum payable calculated at the rate of Rs.5000/- per month from the date of petition moved by the respondent/minor child before the Court below.

4 The learned counsel for the respondent would submit that the minor son of the couple is frequented with health difficulties and hence, the mother of the minor child has to expend about a sum of Rs.10,000/- per month. The learned counsel, in support of his contention, has also produced the medical records in the form of typed set of documents, numbering 5.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Accordingly, the order passed by the learned Judge, III Additional Family Court, Chennai, dated 06.06.2017 in MP.No.295/2016 in MC.No.408/2015 is modified and the petitioner herein is directed to effect payment of a sum of Rs.6,000/- [Rupees six thousand only] towards interim maintenance from the date of petition filed by the respondent before the Court below, on or before 5th of every English Calendar month commencing from February 2018. Arrears so calculated, shall be deposited to the credit of MC.No.408/2015 before the Court below on or before 01.02.2018. The learned Judge, III Additional Family Court, Chennai, is hereby directed to dispose of the main case, viz, MC.No.408/2015, within a period of three months from the date of receipt of a copy of this order.

7 The criminal revision is disposed of with the above directions. It is made clear that any observation made herein, is only towards the disposal of the revision and shall absolutely, have no bearing on the merits of the case and it is open to the parties to raise all the contentions as available under law before the Court below. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

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

2.The Section Officer
Criminal Section High Court, Madras

+1 cc to M/s.S.Manohar Advocate sr 1232
+1 cc to M/s.Mission Legal Advocate sr 1300

Crl.RC.No.1088/2017

skv(co)
aa29/01/2018



WEB COPY