

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 04.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE M.DHANDAPANI
CRL.R.C.Nos.241 & 497 of 2018

Crl.R.C.No.241 of 2018:

Dr.C.Balamurugan

..Petitioner

Vs

1.Dr.Pramalatha Gandhi

2.B.P.Amirtha

3.B.P.Harinitha

.. Respondents

(Respondents 2 and 3 represented by her
mother and natural guardian
Dr.Premalatha Gandhi)

Crl.R.C.No.497 of 2018:

1.Dr.Pramalatha Gandhi

2.B.P.Amirtha

3.B.P.Harinitha

.. Petitioners

(Petitioners 2 and 3 represented by her
mother and natural guardian
Dr.Premalatha Gandhi)

Vs

Dr.C.Balamurugan

..Respondent

PRAYER in Crl.R.C.No.241/2018: Criminal Revision petition has been filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the order dated 08.12.2017 passed by the learned V Additional Family Court, Chennai in M.C.No.192 of 2014.

PRAYER in Crl.R.C.No.497/2018: Criminal Revision petition has been filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the order dated 08.12.2017 passed in M.C.No.192 of 2014 on the file of the V Additional Family Court, Chennai and consequently enhance the maintenance from the date of the petition in M.C.No.192 of 2014 on the file of V Additional Family Court, Chennai.

For Petitioner in Crl.R.C.No.241/18 : Mr.Anburaja
Respondents in Crl.R.C.No.497/18)

For Respondents in Crl.R.C.No.241/18: Mr.Y.Kaja Navas
Petitioners in Crl.R.C.No.497/18)

COMMON ORDER

For the sake of convenience, the parties will be referred to as the husband and wife.

2.The petitioner/wife has filed M.C.No.497 of 2018 before the V Additional Family Court, Chennai, seeking maintenance under Section 125 of the Code of Criminal Procedure, claiming maintenance totally Rs.65,000/- for herself and on behalf of her two daughters. It is not in dispute that the husband and the wife are doctors. The husband is working as Doctor in Stanley Medical Hospital, Chennai and the Wife is working as Doctor in Kilpauk Medical College.

3.Considering the submissions of both side, the lower Court passed an order dated 08.12.2017 in M.C.No.192 of 2014, awarding a sum of Rs.55,000/- (for wife - Rs.15,000/- and for daughters Rs.20,000/- each) as maintenance from the date of the order.

4.Aggrieved against the said order dated 08.12.2017, the husband filed Crl.R.C.No.241 of 2018, seeking to set aside the maintenance order and the wife filed Crl.R.C.No.497 of 2018, seeking to enhance the maintenance from the date of the petition in M.C.No.192 of 2014 on the file of the V Additional Family Court, Chennai.

5.The learned counsel for the petitioner/husband would submit that he has to be retired on 31.05.2020 and till such time, he is ready and continue to pay the amount from the date of the order. However, after his retirement, the salary will be varied, for which, liberty will be granted to the petitioner to file a petition if it is necessary.

6.The learned counsel for the wife would submit that the maintenance petition filed in the year 2014 for claiming maintenance from the date of the petition. In the mean time, the wife filed a petition for interim maintenance in M.P.No.344 of 2014 in M.C.No.192 of 2014 before the lower Court and on 05.08.2016, the lower Court passed an order directing the husband to pay totally a sum of Rs.15,000/- p.m. [Rs.7,000/- to wife and Rs.4,000/- each to his daughters]. As against the order passed by the lower Court dated 05.08.2016, the wife filed a revision petition before this Court in Crl.R.C.No.1079 of 2016 before this Court. On 29.11.2016, this Court directed the husband to pay Rs.30,000/- p.m. [for wife - Rs.15,000/- and for daughters - Rs.7,500/- each], as interim maintenance from the date of petition. However, the lower Court awarded maintenance in M.C.No.192 of 2014, only from the date of the order. Against which, the wife filed a revision for enhancement of maintenance. The learned counsel for the wife, on instructions, would submit

that she is ready to forgo the amount from the date of petition, however, he prays this Court to direct the husband to pay arrears as per the order by this Court dated 29.11.2016.

7.Considering the submissions made by the learned counsel for the husband as well as the wife, this Court does not find any infirmity or illegality in the order passed by the lower Court warranting interference by this Court. However, the husband is directed to deposit the entire arrears amount as ordered by the lower Court from the date of the order and directed to pay maintenance amount of Rs.55,000/- p.m. in the first week of every month. It is made clear that the interim maintenance of Rs.30,000/- awarded by this Court dated 29.11.2016, cannot be disturbed. It is also made clear that the wife and daughters are entitled to get all maintenance and arrears of interim maintenance as awarded by this Court. On such deposit being made, the lower Court is directed to disburse the amount in favour of wife and daughters.

In view of the above, these revisions are disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The V Additional Family Court,
Chennai.
2. The V Additional Family Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Y.Kajanavas, Advocate, S.R.No.61072.

+lcc to Mr.R.Anburaj, Advocate, S.R.No.61307.

CRL.R.C.Nos.241 & 497 of 2018

rrs 19/09/2018.