

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.Nos.1133 and 924 of 2018

And

Crl.M.P.No.10688 of 2018

Crl.R.C.No.1133 of 2018:

1.K.Shanmugapriya
2.S.Sai Aniruth (Minor)
represented by his mother and
natural guardian ... Petitioners/Petitioner

Vs.

K.Sai Krishnan ... Respondent/Respondent

Prayer:

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code seeking to set aside the order dated 22.05.2018 passed in M.P.No.617 of 2016 in M.C.No.305 of 2016 on the file of V Additional Family Court at Chennai and consequently enhance the interim maintenance.

For Petitioners : Mr.A.Dharanidharan

For Respondent : Ms.D.Kamachi

Crl.R.C.No.924 of 2018:

K.Sai Krishnan ... Petitioner/Respondent

Vs.

1.K.Shanmuga Priya

2.Minor S.Sai Aniruth
Minor second petitioner rep by his mother
and natural guardian

Prayer:

Criminal Revision Case filed under Sections 397 read with 401 of the Criminal Procedure Code, 1973, seeking to set aside the order dated 22.05.2018 passed in M.P.No.617 of 2016 in M.C.No.305 of 2016 on the file of V Additional Family Court at Chennai.

For Petitioner : Ms.D.Kamachi

For Respondents : Mr.A.Dharanidharan

C O M M O N O R D E R

These criminal revisions have been filed seeking to set aside the order dated 22.05.2018 passed in M.P.No.617 of 2016 in M.C.No.305 of 2016 by the learned V Additional Principal Judge, V Additional Family Court, Chennai.

2.The petitioners in Crl.R.C.No.1133 of 2018 are the wife and son of the petitioner in Crl.R.C.No.924 of 2018 and they filed maintenance case in M.C.No.305 of 2016 along with petition for interim maintenance in M.P.No.617 of 2016 before the Family Court at Chennai. The learned V Additional Principal Judge, V Additional Family Court, Chennai, vide order dated 22.05.2018 made in M.P.No.617 of 2016 in M.C.No.305 of 2016 directed the petitioner in Crl.R.C.No.924 of 2018 to pay, a sum of Rs.20,000/- to the first petitioner and a sum of Rs.10,000/- to the second petitioner in Crl.R.C.No.1133 of 2018, per month, towards interim maintenance.

3.Aggrieved by the same, the petitioners in Crl.R.C.No.1133 of 2018 have come before this Court seeking enhancement of the interim maintenance and the petitioner in Crl.R.C.No.924 of 2018 has come before this Court stating that the interim maintenance awarded by the Court below is onerous.

4.The learned counsel appearing for the petitioners in Crl.R.C.No.1133 of 2018 would submit that though the petitioners claimed a sum of Rs.1,50,000/- each (totally Rs.3 Lakhs) per month towards interim maintenance, the lower Court has awarded only a sum of Rs.30,000/- per month towards interim maintenance. He would further submit that considering the present day cost of living and the fact that the first petitioner has to take care

of the minor son/ second petitioner and the fact that house rent has to be paid by her, this Court may enhance the interim maintenance. The learned counsel further requested this Court to issue a direction to the lower Court to complete the trial in M.C.No.305 of 2016, within a stipulated time.

5.The learned counsel appearing for the petitioner in Crl.R.C.No.924 of 2018 would submit that this Court, while entertaining the revision, on 24.08.2018, granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears amount, as awarded by the Court below and shall continue to pay a sum of Rs.15,000/- per month to the respondents therein/ petitioners in Crl.R.C.No.1133 of 2018. She would further submit that as directed by this Court, the petitioner has deposited 50% of the amount as awarded by the Court below to the credit of M.C.No.305 of 2016 and would further submit that the petitioner has no objection for disbursing the said amount to the first petitioner in Crl.R.C.No.1133 of 2018.

6.The learned counsel appearing for the petitioner in Crl.R.C.No.924 of 2018 would further submit that the amount of Rs.15,000/- per month, towards interim maintenance, as directed by this Court on 24.08.2018, may be confirmed and further requested this Court to issue a direction to the lower Court to complete the trial in M.C.No.305 of 2016, within a stipulated time.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Considering the arguments advanced on either side and the present situation, this Court directs the petitioner in Crl.R.C.No.924 of 2018 to continue to pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only), instead of Rs.15,000/- as directed vide order dated 24.08.2018, to the respondents/ petitioners in Crl.R.C.No.1133 of 2018, as interim maintenance, on or before the 5th day of every succeeding English Calender month.

9.The learned V Additional Principal Judge, V Additional Family Court, Chennai, is directed to disburse the amount lying in deposit of M.C.No.305 of 2016 to the first petitioner in Crl.R.C.No.1133 of 2018, within a period of one week from the date of receipt of a copy of this order and further directed to complete the trial in M.C.No.305 of 2016 and dispose of the case, within a period of three months from the date of receipt of a copy of this order.

10.The criminal revisions are disposed of with the above

directions. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

The Judge, The V Additional Family Court at Chennai.

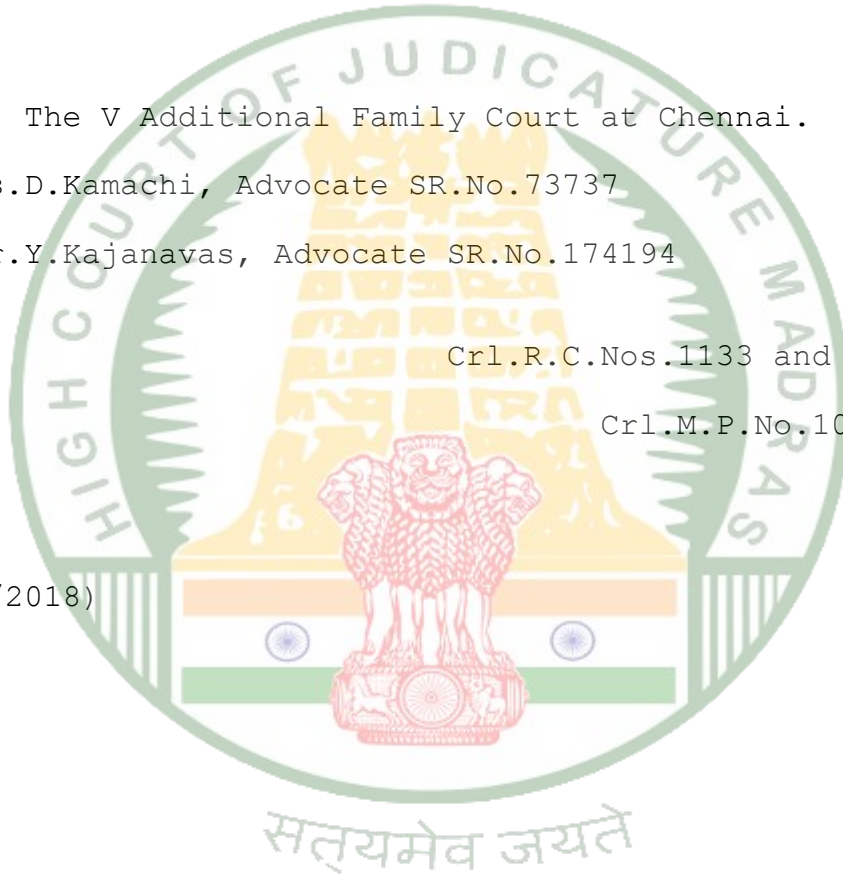
+1cc to Ms.D.Kamachi, Advocate SR.No.73737

+1cc to Mr.Y.Kajanavas, Advocate SR.No.174194

CrI.R.C.Nos.1133 and 924 of 2018
And
CrI.M.P.No.10688 of 2018

GJ (CO)

GMV (14/11/2018)



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