

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No. 166 of 2019

and

Crl.M.P.No.1510 of 2019

L. Sigamani

Petitioner/Petitioner

Vs

P. Palayavathy

Respondent

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the order dated 19.11.2018 made in M.P.No.632 of 2018, M.C.No.80 of 1989 on the file of V Additional Family Judge, Chennai.

For Petitioner : Mr.G. Vinodhkumar

For Respondent : No appearance

O R D E R

The respondent herein filed a petition under Section 125 of Cr.P.C in MC No. 80 of 1989, before V Additional Family Judge, Chennai against the petitioner herein, claiming maintenance. Further, the respondent had filed MP No.572 of 2017 in MC No.80 of 1989 for enhancement of maintenance, against which an exparte order was passed. To set aside the said exparte order, the petitioner herein filed an application in M.P.No.632 of 2018. The learned V Additional Family Judge, Chennai allowed the application on 19.11.2018 on condition that the petitioner shall pay $\frac{1}{4}$ th of the enhanced maintenance amount.

2. Challenging the order passed in MP No.632 of 2018 MC No.80 of 1989, this Criminal Revision Petition is filed.

3. The learned Counsel appearing for the petitioner stated that even after printing the name of the respondent, none appears on behalf of the respondent. This Court has passed a conditional order on 05.02.2019 that the petitioner has to deposit a sum of Rs.1,25,000/- on or before 15.02.2019. Pursuant to the order of this Court, the petitioner also paid a sum of Rs.1,25,000/- to the respondent before the Family Court, Chennai on 14.02.2019 as per the receipt No.34807. Copy of the receipt

along with cost memo also submitted by the petitioner before this Court today.

4. Heard the submissions of the learned Counsel appearing for the petitioner and also perused the available records.

5. It is revealed from the available records that the respondent initially filed a petition for claiming maintenance and the same was awarded on 19.08.1989 for a sum of Rs.500/- per month thereafter it was enhanced to Rs.2000/- per month and later it was reduced to Rs.1000/- per month after the marriage of their daughter. Subsequently, the respondent filed a petition for enhancement of maintenance amount before V Additional Family Judge, Chennai in MP No.572 of 2017 in MC No.80 of 1989, against which an exparte order was passed. It is pertinent to note that the respondent has paid a sum of Rs.1,25,000/- as per order of this Court on 14.02.2019, vide Receipt No.34807.

6. In view of the above facts, the V Additional Family Judge, Chennai is directed to dispose MP No.632 of 2018 in MC No.80 of 1989 in accordance with law, after giving opportunity to both the parties. With the above observations, this Criminal Revision Petition is disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

vrn

To

1. V Additional Family Court, Chennai

Copy To :

The Section Officer, Criminal Section, High Court, Madras

+1cc to Mr.G.Vinodh Kumar, Advocate SR.No.15488

Cr1.R.C.No. 166 of 2019
and
Cr1.M.P.No.1510 of 2019

GJ(CO)
GMY(04/04/2019)