

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN
Crl.R.C.No.325 of 2019

K.Chandra Mohan

.. Petitioner

Vs.

Pranitha
Rep. by her mother
S.Jothi

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the records pertaining to the order passed by the Principal Family Court, Chennai in MP.No.1072/2018 in MC.No.209/2018 dated 09.02.2018 and set aside the same. And consequently fix the resonable interim maintance considering the income of the Petitioner.

For Petitioner : Mr.M.R.Senthilkumar

For Respondent : Mr.D.Baskar

O R D E R

This Criminal Revision has been filed to call for the records pertaining to the order passed by the Principal Family Court, Chennai in MP.No.1072/2018 in MC.No.209/2018 dated 09.02.2018 and set aside the same.

2. The minor child filed the petition against her father seeking maintenance. While the maintenance case is pending before the Family Curt, Chennai in MC.No.209 of 2018, the minor child filed the petition for interim maintenance in MP.No.1072 of 2018. The learned Family Court Judge, Chennai considered that there is no source to maintain herself and awarded a sum of Rs.2,500/- per month towards interim maintenance, as against the said order, the father filed the present revision before this Court.

3. The learned counsel appearing for the revision petitioner would submit that the petitioner is working as a salesman in TASMAC and he is earning a sum of Rs.7,500/- per month. Since he has to maintain his age old parents, he is not in a position to pay a sum of Rs.2,500/- per month to the child.

4. Heard the learned counsel appearing for the revision petitioner, the learned counsel appearing for the respondent and also perused the materials on record.

5. The minor child filed the petition through her mother for maintenance in MC No.209 of 2018 before the Family Court. Simultaneously, the minor child filed the petition in MP.No.1072 of 2018 seeking interim maintenance. The proceedings under Section 125 Cr.P.C is a summary in nature. Further, if the person, who is having sufficient means, neglected or refused to maintain the child, the child is entitled to get maintenance. In this case, admittedly, the child did not have any property on its own and does not have any source to maintain itself and therefore, filed the petition against her father.

6. Though the learned counsel for the petitioner submitted that the petitioner is jobless and he has no money before the Family Court, Chennai, he is admitted that the petitioner is working as a salesman in TASMAC shop and he is getting a sum of Rs.7,500/- per month and he is maintaining his age old parents. No doubt as a dutiful son, he is liable to maintain his age old parents and at the same time, he is liable to maintain his minor child as a dutiful father.

7. This Court is of the view that the income and other means can be decided in MC.No.209 of 2018. Since it is only an interim order, the petitioner is liable to pay a sum of Rs.2,500/- per month to the respondent/minor child towards monthly maintenance. This Court does not find any perversity in the order passed by the Family Court, Chennai.

8. Accordingly, this Criminal Revision Case is dismissed. However, the parties are at liberty to raise all their contentions before the Family Court, Chennai in MC.No.209 of 2018.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmi

To

1.The Principal Judge,
Family Court, Chennai.

+1cc to Mr.D.Baskar , Advocate SR.No. 33936

CrI.R.C.No.325 of 2019

A.SK(17/09/2019)