IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1134 of 2017
and
Crl.M.P.No.10780 of 2017

Felix Vimal .. Petitioner

Vs

Joenancy Felix .. Respondent

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, to set aside the order dated 27.03.2017 in C.A.No.34 of 2015 passed by the District Sessions Court, Chengalpet.

For Petitioner : Mr.K.Sampathkumar

For Respondent : No Appearance

O R D E R

This revision has been filed against the order dated 27.03.2017 passed by the learned District Sessions Court, Chengalpet in C.A.No.34 of 2015.

2.The respondent/wife filed the petition against the revision petitioner/husband seeking maintenance and divorce. Initially the trial Court passed an interim maintenance of Rs.15,000/- per month for the child and not declared the claim for the wife. Aggrieved against the order, the petitioner/husband filed an appeal before the District and Sessions Court, Chengalpet in Crl.A.No.34 of 2015. After considering the materials, the appellate Court modified the award from Rs.15,000/- to Rs.7,500/-, against which husband has filed the present revision before this Court.

3.The learned counsel for the petitioner submits that as the petitioner is paying all the educational expenses and other expenses, therefore, a sum or Rs.7,500/- per month towards interim maintenance is grossly excessive. If not in dispute that the child is residing with her mother and the petition regarding custody of the child is still pending.

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Therefore, under these circumstances, the sum of Rs.7,500/- as interim maintenance is highly excessive.

4.Considering the cost of living and increasing of price index for the day to day affairs, Rs.7,500/- per month towards maintenance is not excessive and this Court does not find any perversity in the order passed by the appellate Court. Hence, the revision is liable to be dismissed. However, the learned Magistrate is directed to dispose of the M.C., within a period of three months from the date of receipt of a copy of this order and directed to pay the entire arrears of maintenance amount within three months, after deducting the amount of maintenance already paid.

5.The criminal revision is dismissed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1. The Principal District and Sessions Judge,
   Chengalpet.

2. The Judicial Magistrate,
   Alandur.

+1 cc to M/s.K.Sampath Kumar, Advocate, S.R.No.12243

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