

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.944 of 2017
and CrI.MP.No.8845 of 2017

K.C.Rangasamy

... petitioner

Vs.

1.R.Jayalakshmi

2. Minor R.Avanthika

rep by Natural Guardian R.Jayalakshmi

..Respondents

Prayer: This Criminal revision is filed under Section 397 r/w.401 of Criminal Procedure Code to call for the entire records in CMP.No.118 of 2016 in MC.No.126 of 2016 on the file of the Additional Principal Family Judge, Coimbatore and set aside its order dated 24.05.2017.

For petitioner : Mr.R.Ganesh Babu

For Respondents : Mr.P.Dinesh Kumar

O R D E R

This Criminal revision is filed to set aside the order dated 24.05.2017 made in CMP.No.118 of 2016 in MC.No.126 of 2016 on the file of the Additional Principal Family Judge, Coimbatore.

2. The learned counsel representing the revision petitioner seeks adjournment. Since, the matter involved is maintenance under Section 125 Cr.PC, this Court is not inclined to grant adjournment. Heard the learned counsel for the respondents and perused the material available on record.

3. The learned counsel for the respondent would submit that the revision petitioner is working as a Senior Telephone Supervisor in BSNL and getting a salary of Rs.65,000/p.m. and the salary certificate of the revision petitioner is marked as Ex.P1. During the pendency of the MC.No.126 of 2016, the respondents filed CMP.No.118 of 2016 seeking interim maintenance. The learned judge after considering the fact that the respondents unable to maintain themselves and by considering the source and means of the revision petitioner/husband, awarded

a sum of Rs.14,000/-p.m. towards interim maintenance under Section 125(1)(d) of Cr.PC. As against the said order, the revision petitioner/husband is before this Court.

4. The marriage between the petitioner and the first respondent/wife is not disputed and the paternity of the child is also not questioned. This revision is filed as against the order passed by the Family Court, Coimbatore in CMP.No.118 of 2016 in MC.No.126 of 2016 after considering the fact that the revision petitioner is a Central Government employee of BSNL and getting a salary of more than Rs.60,000/-p.m. Awarding a sum of Rs.14,000/-p.m. to the respondents towards interim maintenance is reasonable one by considering the present price index and the cost of living, this Court does not find any perversity in the order passed by the Family Court, Coimbatore and does not warrant any interference.

5. However, the proceedings under Section 125 Cr.PC is summary in nature, the Additional Principal Family Court, Coimbatore, is directed to dispose of the main case in MC.No.126 of 2016 within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Additional Principal Family Judge, Coimbatore.

+1 CC to Mr.D.Shanmugavel, Advocate sr 36370

+1 CC to Mr.K.Arangeswaran, advocate sr 36099.

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Cr1.R.C.No.944 of 2017

SS(CO)
SP(22/04/2019)