

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1126 of 2018
and
Crl.M.P.Nos.13120 & 15278 of 2018

B.Gajendran

.. Petitioner

Vs.

1. G.Adhilakshmi

2. Master G.Prannava Khanth
represented by his mother G.Adhilakshmi

.. Respondents

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for and examine the entire records relating to and connected with the proceedings of the IV Additional Family Court, Chennai in M.P.No.137 of 2016 in M.C.No.166 of 2013 on its file resulting in its order dated 5.9.2018 made therein and set aside the same.

For Petitioner : Mr.R.Ganesan
for Mr.M.Mohammed Shafi

For Respondents: Mr.S.Madhusudanan

सत्यमेव जयते
O R D E R

This Criminal Revision has been filed to set aside the order dated 05.09.2018 passed in M.P.No.137 of 2016 in M.C.No.166 of 2013 on the file of the IV Additional Family Court, Chennai.

2. The proceedings under Section 125 Cr.P.C is the summary in nature. The revision petitioner is the husband, the first respondent is the wife and the second respondent is their minor son. Originally, the revision petitioner/husband filed a petition in O.P.No.900 of 2012 seeking dissolution of marriage on the ground of cruelty. The first respondent/wife filed a

petition under Section 125 Cr.P.C, seeking interim maintenance in M.C.No.166 of 2013 before the Family Court, Chennai. The learned Family Court Judge, Chennai, partly allowed the petition and directed the revision petitioner/husband to pay a sum of Rs.10,000/- per month to the first respondent/wife and Rs.5,000/- per month to the second respondent/minor son towards interim maintenance from the date of filing of the petition i.e., from 27.03.2013 and also directed the revision petitioner/husband to pay the monthly maintenance amount on or before 5th day of every English Calendar Month. Subsequently, the first respondent/wife filed a petition under Section 127(1) Cr.P.C seeking enhancement of the maintenance amount in MP.No.137 of 2016 in M.C.No.166 of 2013. The learned IV Additional Family Court Judge, Chennai on considering the income of the revision petitioner, enhanced the compensation to Rs.70,000/-. As against the said order, the present revision petition has been filed before this Court.

3. Heard the learned counsel for the petitioner, the learned counsel for the respondents. Perused the materials on record.

4. On 03.10.2018, this Court, while granting the conditional order, directed the revision petitioner to deposit 50% of the maintenance amount at the rate of Rs.40,000/- per month towards arrears to the credit of M.C.No.166 of 2013 on the file of the learned IV Additional Principal Family Court Judge, Chennai. The revision petitioner has not complied with the order passed by this Court. Therefore, the respondents have filed a petition for recovery of money before the Family Court, Chennai and the same is pending. As the revision petitioner has not complied with the conditional order passed by this Court, he is not entitled to challenge the impugned order. Therefore, only on payment of entire arrears, the petitioner is entitled to challenge the order passed by the Family Court, Chennai. Hence, this Criminal Revision Case shall stand dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

Kmi

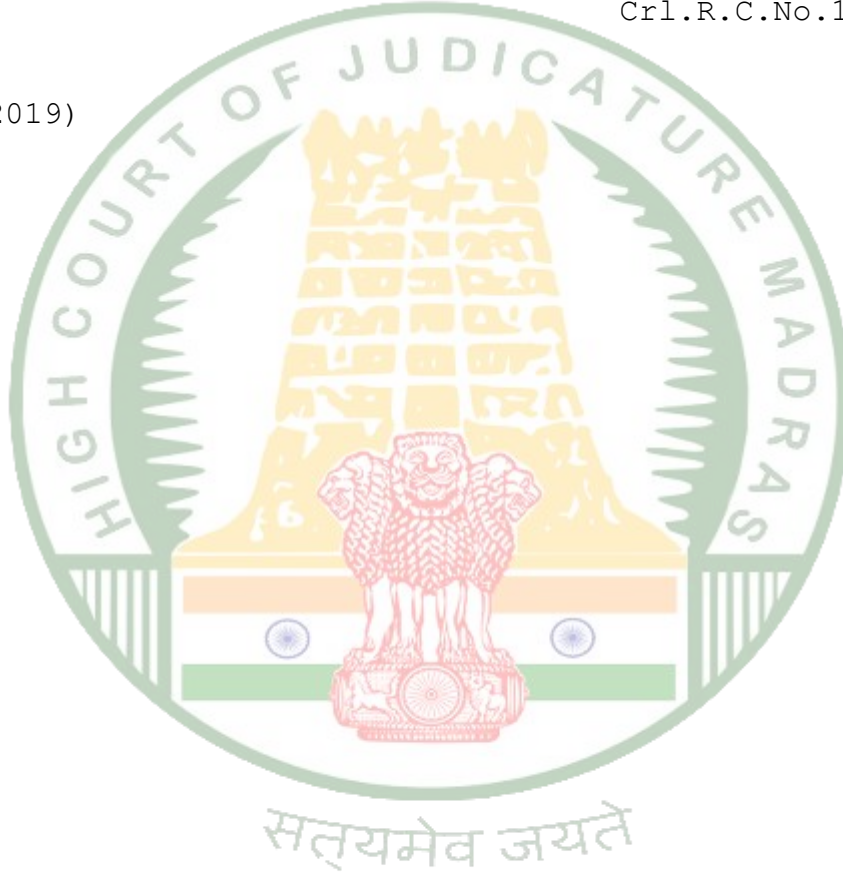
To

1.The IV Additional Principal Judge,
IV Additional Family Court,
Chennai.

+1cc to Mr.S.Madhusudanan, Advocate, S.R.No. 22187
+1cc to Mr.M.Mohammed Shafi, Advocate, S.R.No.21994

Cr1.R.C.No.1126 of 2018

MP (CO)
GN(30/04/2019)



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