

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No. 1518 of 2018
and
Crl.M.P.No.17847 of 2018

Dr.S.Rajakumar

...Petitioner

Vs

1. R. Premalatha
2. R.P.Harshith (Minor)

...Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to call for the records pertaining to MP No.780 of 2018 in MC No.425 of 2017 on the file of IV Additional Family Court, Chennai and set aside the order dated 20.11.2018 made in MP No.780 of 2018 in MC No.425 of 2017.

For Petitioner : Ms.V. Bhavani

For Respondents: Mr. K. Selvaraj

O R D E R

The petitioner is the husband, 1st respondent is his wife and the 2nd respondent is their minor child. The respondent filed a petition under Section 125 of Cr.P.C for the maintenance in MC No.425 of 2017. During the pendency of the said petition, the wife has filed M.P.No.780 of 2018 for interim maintenance, before the IV Additional Principal Court, Chennai. The learned IV Additional Principal Judge, Chennai after considering the facts and circumstances of the case has passed an order of interim maintenance for Rs.15,000/- each to the 1st and 2nd respondents herein, who are wife and the minor child.

2. Against the order passed by the learned IV Additional Principal Judge, Chennai, the husband has filed the present Revision before this Court.

3. The learned Counsel for the petitioner would submit that the respondent is doing her own business and she is an earning member. Further, the husband was earning a monthly salary of Rs.49,000/- out of which giving Rs.30,000/- as interim maintenance to the respondents is highly excessive.

4. The learned Counsel for the respondents submitted that the 1st respondent is not working anywhere and she is not able to maintain herself and her child independently. Hence, there is no need to interfere with the order passed by the learned IV Additional Principal Judge, Chennai.

5. Heard the submissions of the learned Counsels for either side. Perused the records placed before this Court. It is pertinent to note that the petition filed by the respondents is only for interim maintenance and on the side of the respondents, it is contended that the wife 1st respondent is not doing any business and she is unemployed. Moreover, she is unable to maintain herself and her child independently. However, these issues such as earning capacity of the respondent, whether she is doing a business or not are all have to be decided in the main petition only. Moreover, as a husband of the 1st respondent and as a father of the 2nd respondent, the petitioner has to maintain his wife and child. Eventhough, considering the status of the husband, the Court decided to reduce the interim maintenance amount as Rs.20,000/- per month.

6. In view of the above discussions, this Court is reduced the interim maintenance as Rs.20,000/- per month. Accordingly, this Criminal Revision Petition is partly allowed.
vrn

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To
IV Additional Family Court, Chennai

+1cc To M/s.H.Rajasekar,Advocate, Vide SR.NO.15789

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