

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.02.2020
CORAM
THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Cr1.R.C.No.308 of 2018
and
Cr1.M.P.No.3663 of 2018

Santhosh Kumar

... Petitioner

Vs.

Minor Shivani
rep.by her mother and natural guardian
K.Deepika

... Respondent

Prayer: Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed in M.P.No.723 of 2017 in M.C.No.326 of 2016 dated 04.12.2017 on the file of the learned Judge, IV Additional Family Court at Chennai.

For Petitioner : Mr.S.S.Madhavan
For Respondent : Mr.Suresh Sampath

O R D E R

The petitioner herein is the husband and the mother of the respondent herein is the wife. Due to a matrimonial dispute between the husband and wife, both of them are living separately. The respondent, represented by her mother (wife of the petitioner) filed a petition before the Trial Court for maintenance in M.C.No.326 of 2016. Pending disposal of the same, a petition in M.P.No.723 of 2017 has been filed to direct the petitioner to pay an interim monthly maintenance amount of Rs.10,000/- to the respondent and also to pay a sum of Rs.45,000/- towards school fees, school van expenses and future school fees. Considering the materials available on record, the Trial Court ordered the petitioner herein to pay a monthly maintenance of Rs.10,000/- to the respondent from the date of petition. The Trial Court has also directed the petitioner to pay a sum of Rs.23,000/- towards school fees and van expenses per annum. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that the respondent's mother, under false pretext, left the matrimonial home after few months of marriage and did not return till date. It is also submitted that the respondent's mother is interested only in extracting money from the petitioner without

gratifying her obligations and responsibilities as a dutiful wife. On the other hand, he submitted that due to financial constraints, the petitioner was not able to pay the maintenance amount and hence some time is needed.

3.The learned counsel for the respondent has submitted that the Trial Court has considered the materials on record in a proper perspective and has passed the impugned order and hence the same does not require any interference.

4.Heard both sides and perused the papers.

5.While admitting this Criminal Revision on 09.03.2018, interim stay was granted on condition to deposit a sum of Rs.8,000/- per month towards child maintenance along with school fees and van expenses at Rs.23,000/- per annum, to the credit of the Trial Court, before 09.04.2018. According to the learned counsel for the respondent, such amount is not being remitted regularly. Further, a memo of calculation for a sum of around Rs.4 lakhs is also filed for arrears.

6.Considering the facts and circumstances of the case, this Court deems it fit to direct the learned IV Additional Principal Judge, Family Court, Chennai to dispose of the case in M.C.No.326 of 2016, within a period of six months from the date of receipt of a copy of this order, after affording opportunity to both the parties. Pending disposal of the maintenance case, the petitioner is directed to pay a sum of Rs.8,000/- as monthly maintenance amount to the respondent hereafter, regularly without any default, payable on or before 5th of every succeeding English Calendar month. The arrears calculated at the rate of Rs.8,000/- per month from the date of petition for maintenance, shall be paid in two instalments. The first instalment shall be paid on or before 10th March 2020 and the second instalment shall be paid on or before 10th April 2020.

7.The Criminal Revision Case is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

KM

To

- 1.The Judge,
IV Additional Family Court at Chennai.
- 2.The Public Prosecutor,
Madras High Court.
- 3.The Section Officer, Criminal Section,
High Court, Madras.

+1cc to Mr.Suresh Sampath, Advocate, SR.No.9330.

Crl.R.C.No.308 of 2018
and
Crl.M.P.No.3663 of 2018

SSV(CO)
CSR: 04.03.2020



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