

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of June Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P.RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION No.3514 of 2020

IN CRL RC.165/2020

1 S.SENTHAMIZH SELVI [PETITIONERS / RESPONDENTS /
2 NIVETHA @ MADHUMIDHA RESPONDENTS]

Vs

C. VENKATESAN [RESPONDENT / PETITIONER /
PETITIONER]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to withdraw the arrear of maintenance amount lying in M.C.NO.36/2006 On the file of the III Additional Family Court, Chennai which was deposited by the respondent/Petitioner as per the order dated 24-01-2020 passed by this Hon'ble Court in Crl.MP.No.1268 of 2020 in Crl.RC.No.165 of 2020.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. SATHIYARAJ E. Advocate for the petitioners and of M/S. S.VIJAYAKUMAR, Advocate on behalf of the Respondent the court made the following order:-

This petition has been filed by the respondents/wife and daughter seeking permission of this court to withdraw the arrears of maintenance amount which has been deposited by the respondent.

2. The learned counsel for the petitioners has submitted that the first petitioner is the wife and the second petitioner is the minor daughter of the respondent. He further submitted that the petitioners have filed MC.No.36 of 2006 on the file of the 3rd Additional Family Court, Chennai seeking maintenance. He further submitted that the trial court after full trial by the order dated 24.10.2019 has allowed the said case and directed the respondent to pay a sum of Rs.5,000/- to the first petitioner and Rs.10,000/- to the second petitioner per month towards maintenance from the date of filing of the maintenance case. He further submitted that challenging the said order, the respondent herein has filed the above criminal revision. He further submitted that this Court by the order dated 31.01.2020 granted interim stay on a condition that

the Criminal Revision Petitioner shall deposit a sum of Rs.5,00,000/- before the trial court within a period of four weeks and in pursuance of the said order, the Criminal Revision Petitioner has deposited a sum of Rs.5,00,000/- before the trial court. He further submitted that as on date Rs.25 lakhs is arrears. but, the Criminal Revision Petitioner has deposited only a sum of Rs.5,00,000/-. He further submitted that the aforesaid amount is necessary for meeting out the education expenses and other expenses of the second petitioner and therefore, he requests to permit the petitioners to withdraw the aforesaid amount.

3. Per contra, the learned counsel for the respondent/criminal revision petitioner has submitted that the first petitioner has already filed one maintenance case and the same was dismissed on merits and further she is working in a temple and earning considerably and hence, she is not entitled to claim maintenance from her husband. He further submitted that the respondent herein is ready to settle the matter and hence he opposed to permit the petitioners to withdraw the amount.

4. It appears that the respondent/criminal revision petitioner is having grievance for granting maintenance to his wife (first petitioner). In so far as granting maintenance to his daughter (second petitioner) is concerned, it appears that he is not having any serious objection. Further, the petitioners have stated in their affidavit that the aforesaid amount is required to meet out the educational expenses of the second petitioner.

5. Taking into consideration of the aforesaid facts, this court is of the view that the petitioners shall be permitted to withdraw the aforesaid amount by giving undertaking that if revision is allowed, they shall re-deposit the amount before the trial court.

6. In the result, this petition is allowed. The petitioners are permitted to withdraw the aforesaid amount of Rs.5,00,000/- which has been deposited by the respondent herein before the trial court in M.C.No.36 of 2006 on condition that they shall file an affidavit that they will re-deposit, in case, the revision is allowed.

-sd/-

02/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL FAMILY COURT,
CHENNAI.

C.C. to M/S.SATHIYARAJ E. Advocate on payment of necessary
charges

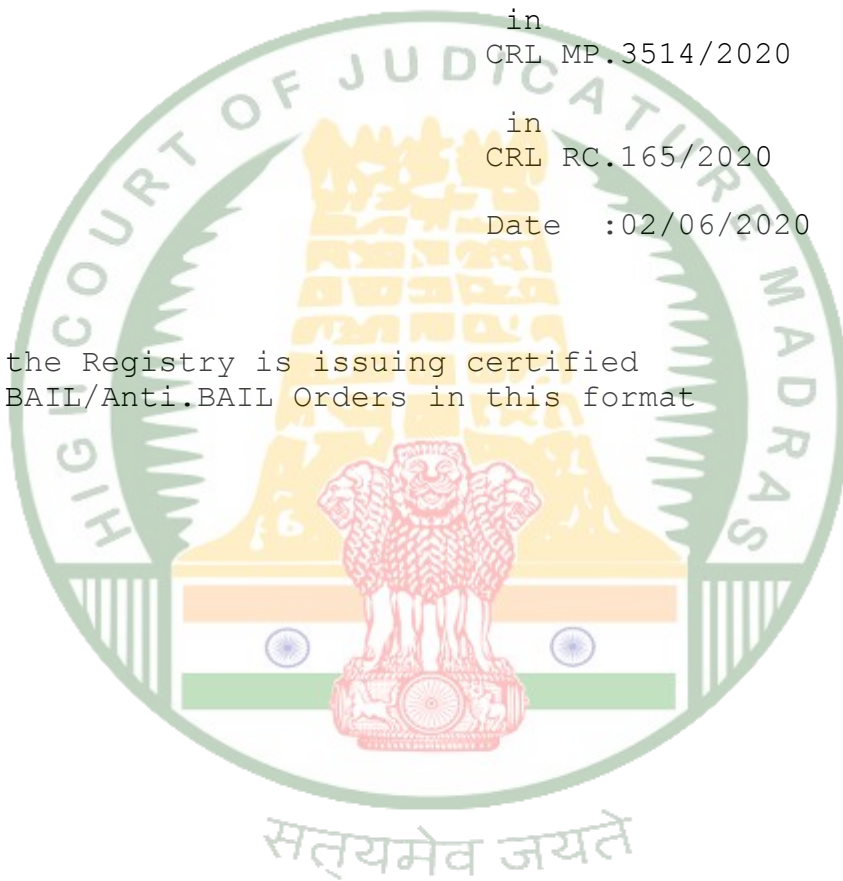
Order

in
CRL MP.3514/2020

in
CRL RC.165/2020

Date :02/06/2020

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