

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.562 of 2016 and

Crl.M.P.No.3777 of 2016

D.Rajkumar

... Petitioner

Vs.

1.G.Monisha

2.Minor Ananya Anusri

(Minor is represented by

Natural Guardian and her mother 1st respondent herein)

... Respondents

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to call for the records in M.C.No.206 of 2011 on the file of the Principal Family Court, Coimbatore and set aside the order dated 07.01.2016.

For Petitioner

:Mr.G.Sudhagar

ORDER

Questioning the maintenance of Rs.5,000/- per month awarded to the 2nd respondent, vide order dated 07.01.2016 passed by the learned Principal Judge, Family Court, Coimbatore, in M.C.No.206 of 2011, the present Revision Case has been filed by the petitioner/husband.

2. This Court, by order dated 01.04.2016, while admitting this criminal revision, has granted an order of interim stay on condition to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) towards arrears of maintenance within a period of four weeks from the date of receipt of a copy of the order. The petitioner was also directed to pay the future maintenance at the rate of Rs.3,000/- per month on or before 10th of every succeeding English calendar month.

3. When the matter was called today, the learned Counsel for the petitioner submitted that as directed by this Court, the petitioner has been regularly paying a sum of Rs.3,000/- per month towards maintenance to the 2nd respondent, till date, apart from the payment of Rs.1,00,000/-. He further submitted that the first respondent/wife is working in Canara Bank, R.S.Puram branch, by which, she is capable of maintaining herself and the second respondent as well, whereas the petitioner is unemployed and has no means to maintain himself. Hence, he prayed that the monthly maintenance awarded by the Family Court may be reduced to some extent.

4. Considering the fact that the petitioner has been regularly complying with the interim order dated 01.04.2016 passed by this Court, till date, and having regard to the admitted fact that the first respondent/wife is working in a bank, by which she is capable of maintaining herself and the second respondent/child as well, this Court deems it appropriate to reduce the monthly maintenance awarded to the 2nd respondent to Rs.4,500/- from Rs.5,000/-.

5. Accordingly, this Criminal Revision is disposed of, directing the petitioner/husband to pay the monthly maintenance at the rate of Rs.4,500/- to the second respondent, on or before 5th of every succeeding English calendar month. The second respondent is permitted to withdraw the amount, if any, lying in the deposit to the credit of M.C.No.206 of 2011 on making proper application before the Family Court. Consequently, connected Miscellaneous Petition is closed.

6. While holding so, this Court is conscious of the factum of notice not having been served on the first respondent/wife and the same having been returned. Notwithstanding this position, this order is passed considering the fact that this criminal revision is pending since 2016 and the same cannot be kept pending eternally and further, in view of the fact that not much prejudice is caused to the first respondent/wife inasmuch as this Court reduces the monthly maintenance to the extent of a paltry sum of Rs.500/-.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

The Principal Judge, Family Court, Coimbatore.

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CrI.M.P.No.3777 of 2016

A.SK(16/03/2020)

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