

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Cr1.R.C.No.527 of 2019
and
Cr1.M.P.No.7192 of 2019

Manavalan

... Petitioner

Vs.

1.Minu Chowdhri
2.Minor Mithilesh

rep.by natural guardian, mother 1st respondent.

... Respondents

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order dated 26.02.2019 made in M.P.No.1032 of 2018 in M.C.No.20 of 2017 on the file of the I Additional Judge, Family Court at Chennai.

For Petitioner : Mr.K.C.Krishnamoorthy

For Respondents : Mr.C.P.Palanichamy

O R D E R

The petitioner is the husband and the first respondent is the wife. Out of the said wedlock, they were blessed with a male child, the second respondent. Due to a matrimonial dispute between them, they got separated. The respondents filed a petition in M.C.No.20 of 2017 before the Family Court, Chennai, seeking maintenance. Pending the same, they filed a petition in M.P.No.1032 of 2018 claiming a sum of Rs.1,00,000/- each as interim maintenance. Considering the materials available on record, the Family Court ordered the petitioner herein to pay a monthly maintenance of Rs.12,000/- to the first respondent and Rs.5,000/- to the second respondent, totalling Rs.17,000/- to the respondents from the date of petition on or before 5th of every English calendar month. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2. On 12.06.2019, this Court has granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance calculated from 20.03.2018 to 31.05.2019 within a period of four weeks. The petitioner was also directed to deposit the monthly interim maintenance at the rate of Rs.8,500/- for June 2019, on or before 29.06.2019 and continue to deposit at the same rate from July 2019 onwards, on or before 10th of every English calendar month, before the Family Court.

3. Today, when the matter was taken up for consideration, the learned counsel on either side have agreed to reduce the total interim maintenance awarded by the Family Court from Rs.17,000/- to Rs.14,000/- per month to the respondents. It is also submitted that the Family Court may be directed to dispose of MC No.20 of 2017, within a time frame to be stipulated by this Court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the learned I Additional Family Court, Chennai to dispose of the case in M.C.No.20 of 2017, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order, after affording due opportunity of hearing to both the parties. Till the disposal of the maintenance case, the petitioner is directed to pay the interim monthly maintenance at the rate of Rs.14,000/- to the respondents, commencing from the month of March 2020 onwards without any default, on or before 5th of every succeeding English calendar month. The petitioner is also directed to deposit the arrears of interim monthly maintenance as ordered by this Court on 12.06.2019, if not already deposited, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Revision Case is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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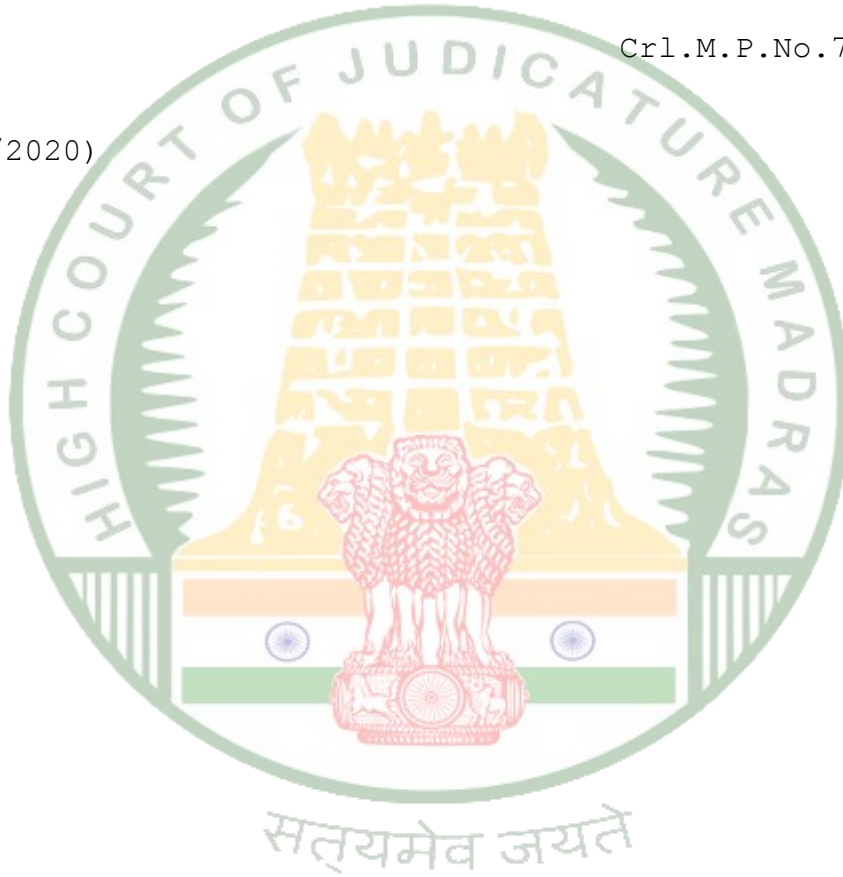
To

The I Additional Family Court,
Chennai.

+2 CC to Mr.C.P.Palanichamy, Advocate, sr 17713
+2 CC to Mr.K.C.Krishnamoorthy, Advocate, sr 17824

Cr1.R.C.No.527 of 2019
and
Cr1.M.P.No.7192 of 2019

RK (CO)
AT (22/05/2020)



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