

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1527 of 2017

and

Crl.MP.No.15133 of 2017

J.Arockia Vimal

... Petitioner

Vs

Baby A. Sharlena

represented by her mother and natural guardian

A.Jansi Rani

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to MP.No.256 of 2015 in MC No.62 of 2015 on the file of the learned V Additional Family Judge, Chennai and set aside the order dated 29.08.2017 by allowing this revision.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : M/s.C.Shyamala

ORDER

According to the petitioner, he married the mother of the respondent on 29.01.2012 as per Christian rites and customs. Out of the said wedlock, a female child was born on 25.10.2012 viz., the respondent herein. Due to misunderstanding arose between the parties, the mother of the respondent left the matrimonial home along with the respondent. Subsequently, the respondent filed MC No.62 of 2015 seeking a sum of Rs.35,000/- towards monthly maintenance for her and to pay a sum of Rs.50,000/- towards litigation expenses. Pending the same, she filed a petition in M.P.No.256 of 2015 in M.C. No.62 of 2015 seeking interim maintenance. By order dated 29.08.2017, the learned V Additional Principal Judge, V Additional Family Court, Chennai, partly allowed the said miscellaneous petition, directing the petitioner herein to pay Rs.10,000/- per month from the date of the petition i.e., on 13.06.2015 to the minor child as interim maintenance, which shall be payable by the petitioner from the date of petition i.e., on 13.06.2015, before 5th day of every

English Calender month. Aggrieved over the same, the petitioner/husband has come up with the present Criminal Revision.

2.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that the petitioner has already effected payment to the tune of Rs.4,00,000/- towards arrears of interim maintenance and the balance amount to be payable by him is only at Rs.1,40,000/-; and he is regularly paying a sum of Rs.10,000/- per month towards interim maintenance to the respondent, till date. The said submission was agreed upon by the learned counsel for the respondent. Further, the learned counsel appearing for both the parties have agreed to issue a direction to the Family Court to dispose of MC.No.62 of 2015 along with the petitions viz., OP.Nos.1252 of 2017 seeking divorce and OP.No.1844 of 2017 for restitution of conjugal rights, within a time frame to be stipulated by this Court.

3.Considering the facts and circumstances of the case and having regard to the submissions so made by the learned counsel on either side, this Criminal Revision is disposed of, in the following terms:

(i)the petitioner shall pay the remaining sum of Rs.1,40,000/- towards arrears of interim maintenance to the respondent, within a period of three weeks from the date of receipt of a copy of this order;

(ii)He is also directed to continue to pay the interim maintenance of Rs.10,000/- per month to the respondent, till the disposal of the petitions by the Family Court concerned.

(iii)The learned V Additional Family Judge, Chennai is directed to dispose of MC.No.62 of 2015 along with OP Nos.1252 and 1844 of 2017 pending on his file, on merits and in accordance with law, after affording due opportunity of hearing to both the parties, within a period of six months from the date of receipt of a copy of this order.

Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rk

To
The V Additional Principal Judge,
Family Court, Chennai.

+1cc to Mr.K.Balasubramaniam, Advocate SR.6049

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CB(25/02/2020)



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