

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1015 of 2019

and

Crl.MP.No.14137 of 2019

Sekaran .. Petitioner

Vs

Jayanthi ... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, seeking to set aside the order dated 23.07.2019 made in F.C.M.C.No.50 of 2017 on the file of Family Court, Dharmapurai.

For Petitioner : Mr.V.R.Annagandhi

For Respondent : Mr.C.Palanisamy

ORDER

This revision petition is directed against the order dated 23.07.2019 made in F.C.M.C.No.50 of 2017 on the file of Family Court, Dharmapurai.

2. The marriage between the petitioner and the respondent was solemnized on 06.12.1992 and they were blessed with two kids. During the year 2011, the petitioner deliberately driven the respondent out of the matrimonial home. Since the respondent is unable to maintain herself, she filed MC.No.50 of 2017 for maintenance. The petitioner also filed HMOP No.147 of 2017 and the same is pending. The Family Court passed the order dated 23.07.2019 directing the petitioner to pay a sum of Rs.4,000/- per month, to the respondent as maintenance from the date of petition, and continue to pay the said sum every month, which is impugned in this revision.

3. On 03.10.2019, this Court has granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance from the date of filing the petition, within a period of three weeks and the compliance of the said order was recorded on 30.10.2019.

4. Today, after some arguments, the learned counsel appearing on either side, have agreed that they will agitate their respective rights before the Family Court, Dharmapuri, in HMOP No.147 of 2017 and prayed for a direction to the Family Court, Dharmapuri, to dispose of the said case within a time frame to be stipulated by this Court.

5. Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, this Court directs the learned Family Court Judge, Dharmapuri, to dispose of H.M.O.P.No.147 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 three months from the date of receipt of a copy of this order. Till the disposal of the said case, the petitioner is directed to continue to pay the maintenance at the rate of Rs.4,000/- per month to the respondent on or before 5th of every succeeding English Calendar month, without any default, without prejudice to his rights.

6. Accordingly, this Criminal Revision stands disposed of. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
The Family Court, Dharmapuri.

2.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.C.Palanisamy, Advocate, S.R.No. 13966
+1cc to Mr.V.R.Annagandhi, Advocate, S.R.No. 13734

Cr1.R.C.No.1015 of 2019

BR(CO)
GN(06/08/2020)