

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Crl.R.C.No.519 of 2017 and Crl.M.P.No.4601 of 2017
and
Crl.R.C.No.641 of 2017

R.Premkumar Petitioner in Crl.R.C.No.519/2017
and respondent in Crl.R.C.No.
641/2017

Vs.

1.Suneetha

2.Minor P.Teashree
rep.by her mother and natural
guardian Suneetha, the first
respondent herein. Respondents in Crl.R.C.No.519/2017
and petitioners in Crl.R.C.No.
641/2017

Criminal Revision No.519/17 filed under Section 397 read
with Section 401 Cr.P.C. seeking to set aside the order of the
Principal Judge, III Additional Family Court, Chennai dated
13.02.2017 passed in M.C.No.265 of 2012.

CRP.No.641/17 filed under section 397 r/w sec 401 CRPC seeking
to set aside the order of the Principal Judge III Additional
Family Court Chennai dated 13/12/2017 passed in MC.265/2012 and
enhance the maintenance amount as prayed in the petition filed
by the petitioner in the lower court.

For petitioner in Crl.R.C.No.519/2017
and respondent in Crl.R.C.No.641/2017 : Mr.P.V.Sudakar

For respondents in Crl.R.C.No.519/2017
and petitioners in Crl.R.C.No.641/2017 : Ms.K.Jamuna

COMMON ORDER

The petitioner is the husband and the respondents are his wife and daughter in Crl.R.C.No.519 of 2017. Due to a matrimonial dispute between the husband and wife, they got separated. The respondents filed the Maintenance Case in M.C.No.265 of 2012 before the III Additional Family Court at Chennai, claiming a sum of Rs.10,000/- each towards maintenance. Considering the materials available on record, the Trial Court ordered the husband to pay a monthly maintenance of Rs.5,000/- each to the wife and daughter, totalling to Rs.10,000/- to be paid from the date of petition for maintenance. Challenging the same, the husband has come up with Crl.R.C.No.519 of 2017 and the wife and daughter have come up with Crl.R.C.No.641 of 2017.

2.The learned counsel for the petitioner in Crl.R.C.No.519 of 2017 / husband, submitted that the petitioner's wife and daughter have filed a petition in H.M.O.P.No.2281 of 2012 for divorce, whereas he filed a petition for restitution of conjugal rights against the wife before the III Additional Family Court, Chennai in HMOP No.4827 of 2015. He further submitted that the Trial Court, without appreciating the facts and circumstances of the case has allowed the petition filed by the wife and daughter and ordered maintenance.

3.The learned counsel for the respondents in Crl.R.C.No.519 of 2017 / wife and daughter, has submitted that the wife is living with her aged parents and the aged parents are spending more for them. It is further submitted that the maintenance amount fixed by the Trial Court is very low, compared to the ordeal faced by the wife and daughter and hence the same has to be enhanced.

4.At one point of time, the learned counsel on either side have submitted that there are possibilities for amicable settlement between the parties.

5.This Court has heard the submissions made on either side and perused the papers.

6.It has been put forth by the counsel for the respondents in Crl.R.C.No.519 of 2017 that the petitioner is a Central Government Employee working as Upper Division Clerk in the Joint Director of Foreign Trade, Chennai, and drawing a salary of Rs.45,000/- per month. It has been put forth on behalf of the

husband that only the wife deserted him and he has filed an application for restitution of conjugal rights in HMOP No.4827 of 2015. Considering the facts and circumstances of the case, as an interim measure, this Court directs the petitioner in Crl.R.C.No.519 of 2017 / husband, to pay a monthly maintenance amount of Rs.7,500/- each to the wife and daughter, totalling to Rs.15,000/- from March 2020, payable on or before 5th of April 2020. The husband shall pay the said sum of Rs.15,000/- per month to the wife and daughter, continuously without any default, by every 5th of the succeeding English Calendar month, pending disposal of the petition filed by the wife in H.M.O.P.No.2281 of 2012 for divorce and the petition filed by the husband in HMOP No.4827 of 2015 for restitution of conjugal rights, before the III Additional Family Court, Chennai.

7.Further, as there are bright chances for settlement, the matter is referred to the Mediation and Conciliation Centre attached to this Court. The mediator shall issue notice to the parties and hear them. If the mediation fails, it is open to the parties to work out their remedies in H.M.O.P.No.2281 of 2012 which has been filed for divorce by the wife and HMOP No.4827 of 2015 which has been filed by the husband for restitution of conjugal rights before the III Additional Family Court, Chennai.

8.The Criminal Revision Cases are disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

KM

To

1.The Principal Judge, III Additional Family Court, Chennai

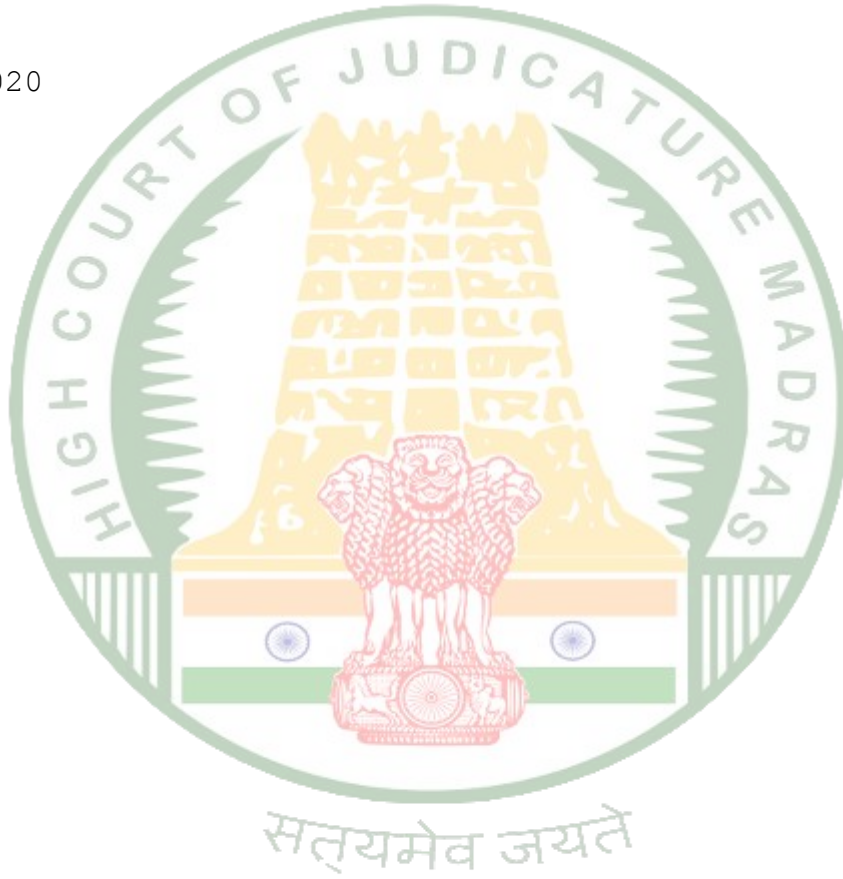
2.The Secretary
Mediation & Conciliation Centre
High Court

3/4

+3 ccs to Mr.V.P.Premalatha Advocate sr11688

Crl.R.C.No.519 of 2017 and
Crl.M.P.No.4601 of 2017
and
Crl.R.C.No.641 of 2017

mp (co)
aa06/03/2020



WEB COPY