

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.R.C.No.619 of 2017

Logamoorthy : Petitioner/Respondent
Vs
1. Vinitha
2. Minor Karivn : Respondents/Petitioners

rep.by his mother, first respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to set aside the order dated 08.02.2017 made in M.C.No.25 of 2016 on the file of the Family Court at Dharmapuri.

For Petitioner : Mr.V.R.Annagandhi
For Respondents : Mr.M.Jothikumar

ORDER

Questioning the maintenance of Rs.5,000/- per month awarded to the 1st respondent and Rs.3000/- per month to the 2nd respondent, vide order dated 08.02.2017 passed by the Family Court at Dharmapuri, in M.C.No.25 of 2016, the present Revision Case has been filed by the petitioner/husband.

2. The petitioner married the 1st respondent on 15.04.2013 and out of the said wedlock, a male child was born who is the 2nd respondent herein. Due to matrimonial dispute arose between them, the petitioner filed HMOP.No.3 of 2016 before the Family Court, Dharmapuri against the 1st respondent/wife for divorce. Pending the same, the respondents 1 and 2 preferred MC.No.25 of 2016 claiming a monthly maintenance of Rs.20,000/- and Rs.15,000/- respectively. Taking into consideration the financial position of the petitioner and perusal of the materials placed before it, the Family Court has awarded a sum of Rs.5,000/- and Rs.3,000/- as monthly maintenance to the respondents 1 and 2 respectively. Aggrieved over the same, the petitioner has preferred the present criminal revision case.

3.This Court, vide order dated 19.4.2017, while admitting this criminal revision, has granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance to the credit of MC.No.25 of 2016 on the file of Family Court, Dharmapuri within a period of six weeks and the petitioner was further directed to pay the monthly maintenance at Rs.4,000/- to the 2nd respondent and Rs.2,000/- to the first respondent on or before 5th of every succeeding English calendar month, until further orders.

4. When the matter was called today, the learned Counsel appearing for the petitioner submitted that apart from the arrears of maintenance amount, the petitioner is regularly paying the monthly maintenance to the respondents as directed by this Court. The said statement was also accepted by the learned Counsel for the respondents. It is further submitted by the learned counsel for both the parties that HMOP No.3 of 2016 filed by the petitioner seeking divorce, may be directed to be disposed of by the Family Court, within a time frame to be stipulated by this Court.

5. 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 Family Court, Dharmapuri to dispose of HMOP.No.3 of 2016 pending on its file, on merits and in accordance with law, after affording due opportunity to both the parties, within a period of six months from the date of receipt of a copy of this order. Till the disposal of the said HMOP, the petitioner shall continue to pay the monthly maintenance at the rate of Rs.4,000/- to the second respondent and Rs.2,000/- to the first respondent, on or before 5th of every succeeding English Calendar month, without any default.

6. Accordingly, this Criminal Revision Case stands disposed of.

Sd/-

सत्यमेव जयते
Assistant Registrar

// True Copy//

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Sub Assistant Registrar

msr

To

The Family Court,
Dharmapuri.

Copy to: The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to V.R.Anna Gandhi, Advocate, SR.No.10593.

Cr1.R.C.No.619/2017

VBA (CO)
CSR: 17/03/2020



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