

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.863 of 2017
and Crl.M.P.No.8060 of 2017

N.Ajarath @ John Philics

..Petitioner

Vs

J.Kalairasi @ Velankanni

..Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to call for the records pertaining to the M.C.No.12/2015 dated 10.6.2015 on the file of Family Court, Chengalpattu and set aside the same.

For Petitioner :Mr.M.Selvam

For Respondent :Mr.A.Arumugam

ORDER

The revision petitioner is the husband and the respondent is the wife. Due to matrimonial dispute between the parties, they got separated. The respondent filed a petition for maintenance before the Family Court, Chengalpet, claiming a sum of Rs.15,000/- per month. The said maintenance case was ordered ex parte, by the Family Court, directing the revision petitioner to pay a monthly maintenance of Rs.7,000/- from the date of petition for maintenance and continue to pay the same on or before 5th of every succeeding English Calendar month. The arrears of maintenance was also directed to be paid within a period of three months. Subsequently, the Family Court passed an order in CMP.No.236 of 2015 in FC MC No.12 of 2015 filed by the respondent, directing the Employer of the revision petitioner to deduct the monthly maintenance of Rs.7,000/- from the salary of the revision petitioner and credit it to the bank account of the respondent. Feeling aggrieved over the same, the revision petitioner has preferred this Criminal Revision before this Court.

2.Heard both sides and perused the materials available on record.

3.As agreed by the learned counsel on either side and also considering the fact that the final order passed by the Family Court, Chengalpet, in the maintenance case is an exparte order, this Court, in order to provide an opportunity to the revision petitioner to contest the case on merits and in the interest of justice, is inclined to dispose of this Criminal Revision in the following terms:

(i)the order dated 10.06.2015 passed by the Family Court, Chengalpet, in MC.No.12 of 2015 is set aside and the matter is remanded back to the Family Court for fresh consideration;

(ii)The Family Court, Chengalpet, is directed to dispose of MC.No.12 of 2015, 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.

(iii)However, the petitioner shall continue to pay the monthly maintenance at the rate of Rs.7,000/- till the disposal of the aforesaid maintenance case. In other words, the order dated 05.02.2016 in CMP.No.236 of 2015 in FC MC No.12/2015 shall be in force, till the disposal of the maintenance case.

4.Accordingly, this Criminal Revision Case stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Presiding Officer,
Family Court, Chengalpattu.

+1 cc to M/s.M.Selvam, Advocate Sr.No. 8236

+1 cc to M/s.A.Arumugam, Advocate Sr.No. 8424

AKM/11.03.2020/2P-4C /

Cr1.R.C.No.863 of 2017

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