

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

CrI.R.C.No.1311 of 2019
and
CrI.M.P.No.17690 of 2019

B.S.Manikandan Petitioner

Vs.

1.N.Vijayalakshmi
2.Minor M.V.Vaibhav Krishna
3.Minor M.V.Vishwak Krishna
(2nd and 3rd petitioners represented
by their natural guardian and mother
the first respondent herein).

... Respondents

Criminal Revision filed under Section 397 read with
Section 401 Cr.P.C. seeking to set aside the order dated
03.10.2019 passed in CrI.M.P.No.309 of 2019 in M.C.No.117 of
2018 pending on the file of the VI Additional Family Court,
Chennai.

For Petitioner : Ms.Sumathi Lokesh

For Respondents : Ms.S.Suga Priya

O R D E R

The petitioner is the husband and the first respondent is the wife. They have two children born out of the wedlock. Due to a family dispute between the petitioner and the first respondent, the first respondent left the matrimonial home and living separately. The first respondent filed petitions before the learned VI Additional Family Court at Chennai in M.P.Nos.308 and 309 of 2019 praying to order school fees for both the children to be provided by the petitioner herein and also to order the petitioner to pay a sum of Rs.30,000/- per month as interim maintenance to the children, respectively. After hearing the parties, the Court below directed the petitioner herein to pay a sum of Rs.10,000/- per month towards interim maintenance including educational expenses at a sum of Rs.10,000/- per month to the respondents 2 and 3 from

the date of petition. Challenging the same, the present revision petition has been filed by the petitioner / husband.

2. When this matter was taken up on 03.01.2020, as an interim measure, this Court directed the petitioner / husband to pay a sum of Rs.80,000/- towards part of arrears of maintenance, as ordered in CrI.M.P.No.309 of 2019 in M.C.No.117 of 2018 by the learned VI Additional Family Court, Chennai, on or before 19.01.2020.

3. Today, when this Revision was taken up, the learned counsel for the petitioner has submitted that a sum of Rs.80,000/- as directed by this Court, has been paid by the petitioner to the first respondent through bank transfer to the beneficiary's account. She has also produced a copy of the acknowledgement containing details to show that the said amount has been transferred to the beneficiary's account. The first respondent has also signed in the said sheet stating that the amount has been received. The learned counsel has also submitted that the first respondent filed a case in D.V.C.No.18 of 2018 against the petitioner, before the Ambattur Magistrate Court and the petitioner is already paying Rs.5,000/- in DV case and therefore it is not proper to award another Rs.10,000/- as maintenance, to the respondent.

4. Taking note of the facts and circumstances of the case and in the interest of justice, this Court directs the learned VI Additional Family Court, Chennai to dispose of the Maintenance Case in M.C.No.117 of 2018, on merits and in accordance with law, after due opportunity to both the parties, within a period of six months from the date of receipt of a copy of this order. The petitioner shall pay the interim maintenance amount of Rs.5,000/- instead of Rs.10,000/- as ordered in the impugned proceedings, along with a sum of Rs.5,000/- as ordered in the DV Proceedings, totalling to Rs.10,000/- regularly every month, till the disposal of the Maintenance Case.

5. The Criminal Revision Case is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

KM

To

1.The VI Additional Family Court,
Chennai.

2.The Public Prosecutor,
Madras High Court.

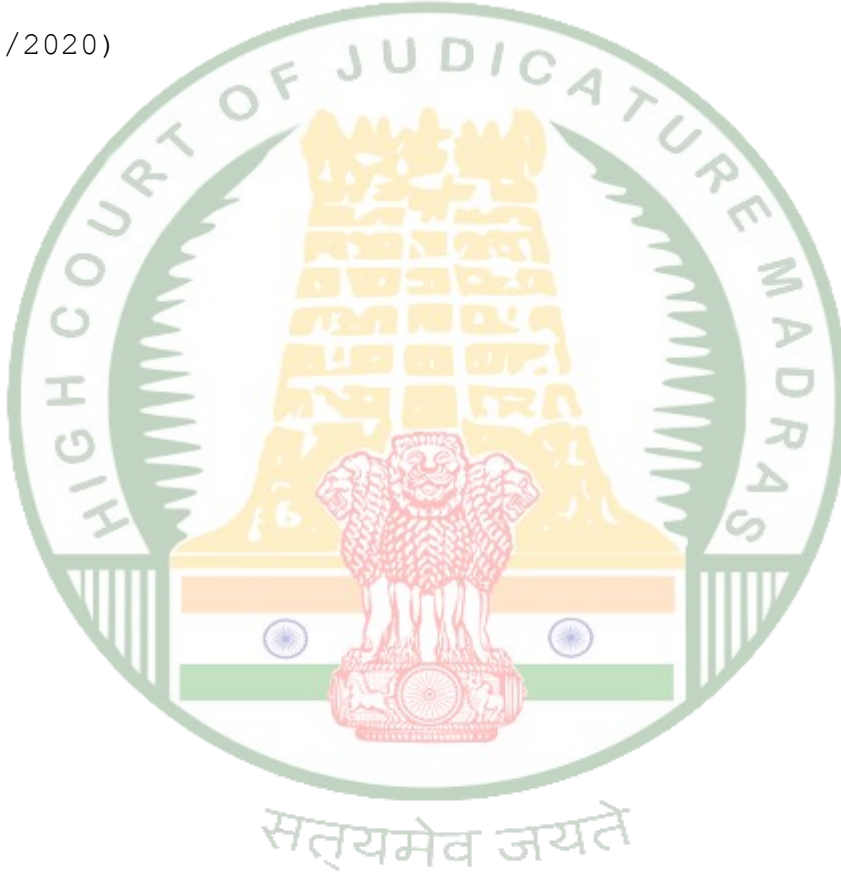
+2ccs to M/s.Sumathi Lokesh , Advocate SR.No. 4479

CrI.R.C.No.1311 of 2019

and

CrI.M.P.No.17690 of 2019

A.SK(27/01/2020)



WEB COPY