

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Crl.R.C.No.1312 of 2019
and
Crl.M.P.No.17731 of 2019

M.Vinoth

...Petitioner

Vs.

S.Mahalakshmi

.... Respondent

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed in M.P.No.1 of 2019 in M.C.No.54 of 2019 dated 12.11.2019 on the file of the I Additional Family Court at Chennai.

For Petitioner : Mr.K.Thenrajan

O R D E R

The petitioner herein is the husband and the respondent herein is the wife. Due to a matrimonial dispute between them, they are living separately. The respondent filed the Maintenance Case in M.C.No.54 of 2019 before the I Additional Family Court, Chennai. Pending disposal of the M.C., a petition for interim maintenance in M.P.No.1 of 2019 was filed by the respondent before the Trial Court, claiming a sum of Rs.50,000/- per month for her. Considering the materials available on record, the Trial Court ordered the petitioner herein to pay a monthly maintenance of Rs.30,000/- to be paid from the date of petition for maintenance. The arrears of maintenance were also directed to be paid within one month. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.When this matter came up before this Court on 28.11.2019, this Court admitted the revision and granted interim stay on condition that the petitioner has to deposit 50% of the arrears of interim maintenance amount awarded by the Trial Court up to 01.12.2019 within a period of four weeks and the petitioner was also directed to continue to pay 50% of the interim maintenance awarded by the Trial Court on or before 5th of every month and on

such deposit being made, the respondent was permitted to withdraw the same.

3.Today, when this revision was taken up, the learned counsel for the petitioner has submitted that the direction of this Court to deposit 50% of the arrears of maintenance amount has been complied with by the petitioner. He has also produced a copy of the receipt obtained from the Family Court, Chennai for having deposited the amount. Further, the learned counsel for the petitioner has agreed to go before the Family Court to proceed with the case in M.C.No.54 of 2019 on merits.

4.Taking note of the above submission of the learned counsel for the petitioner and also the facts and circumstances of the case, this Court deems it fit to direct the I Additional Family Court at Chennai to dispose of the case in M.C.No.54 of 2019 on merits and in accordance with law, after affording 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 continue to pay 50% of the interim maintenance amount awarded by the Trial Court on or before 5th of every succeeding English Calendar month.

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

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Judge, I Additional Family Court, Chennai

2. The Judge, Family Court, Chennai

3.The Public Prosecutor,
Madras High Court.

Cr1.R.C.No.1312 of 2019
and
Cr1.M.P.No.17731 of 2019

KK(CO)
SP(13/03/2020)