

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl. R.C.Nos.1304 and 1415 of 2018
and MP.No.15369 of 2018 and Crl MP.No.16439/2018

1.G.Abhirami

2.Minor S.S.Dakshesh Skandan
(represented by his mother,
the 1st petitioner)

....Petitioners/Petitioners in
Crl.RC.No.1304 of 2018 and
Respondent in Crl.Rc.No.1415 of 2018

.Vs.

M.Sivashankar

.... Respondent/Respondent in
Crl.RC.No.1304 of 2018
Petitioner in Crl.RC.No.1415 of 2018

Prayer in Crl.RC.No.1304 of 2018 : This Criminal Revision petition is filed under Section 397 and 401 of Cr.P.C to set aside the order passed by the learned Additional Judge, Family Court, Coimbatore dated 08.10.2018 made in CMP.No.26 of 2018 in MC.No.102 of 2017 thereby by allowing the above Criminal Revision Petition and order the said CMP.No.26 of 2018 in MC.No.102 of 2017 as prayed for.

Prayer in Crl.RC.No.1415 of 2018: This Criminal Revision petition is filed under Section 397 and 401 of Cr.P.C to set aside the order made on 08.10.2018 in CMP.No.26 of 2018 in MC.No.102 of 2017 on the file of the Additional Principal Family Judge / Additional Principal Judge, Coimbatore.

For Petitioners : Mr.S.D.S.Phillip
(in Crl.RC.No.1304 of 2018)

: Mr.B.R.Shankaralingam
(in Crl.RC.No.1415 of 2018)

For Respondents : Mr.Duraikannan S.Phillip
(in both the petitions)

ORDER

The Criminal Revision Petition in Crl.RC.No.1415 of 2018 has been filed against the order passed by the learned Additional Principal Judge, Coimbatore in CMP.No.26 of 2018 in MC.No.102 of 2017 for setting aside monthly maintenance of Rs.7,500/- to the wife and the monthly maintenance of Rs.5,000/- to the minor son and litigation expenses, as ordered.

The Criminal Revision Petition No.1304 of 2018 had been filed to enhance the maintenance ordered in the same petition. Petitioner in Crl.RC.No.1415 of 2018 is respondent in Crl.RC.No.1304 of 2018. Petitioners in Crl.RC.No.1304 of 2018 are the respondents in Crl.RC.No.1415 of 2018. 1st petitioner in Crl.RC.No.1304 of 2018 is the wife of the respondent.

2. It is seen from the submissions made by the learned counsel for the parties in both the petitions that matrimonial disputes between the husband and wife i.e, the petition filed for Divorce by the husband in HMOP.No.138 of 2016 and the petition filed by the wife for restitution of conjugal rights in HMOP.No.782 of 2017 and maintenance case filed under Section 125 Cr.P.C in MC.No.102 of 2017 are pending before the Family Court, Coimbatore.

3. All these matters ripe for enquiry. Instead of pursuing these Criminal Revision Petitions against the order passed in the petition for awarding interim maintenance and dragging the matter further, this Court is of the considered view that dispute between the parties in Divorce petition, Petition for Restitution of conjugal rights and maintenance shall be determined once for all before the Family Court, Coimbatore.

4. Considering the submissions made by the learned counsel appearing for the husband and wife with regard to their present financial status, this Court is of the considered view that the interim order of maintenance ordered in favour of the minor son at the rate of Rs.5,000/- per month to be paid continuously by the father till the disposal of maintenance petition. So far as the interim maintenance amount ordered in favour of the wife at Rs.7,000/- per month is concerned, it is set aside for the present giving an option to the wife to agitate the matter in the main maintenance petition.

5. With these observations, these Criminal Revision Petitions are disposed of. The learned Additional Family Court Judge, Coimbatore is directed to dispose the divorce petition,

petition for restitution of conjugal rights and maintenance petition within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

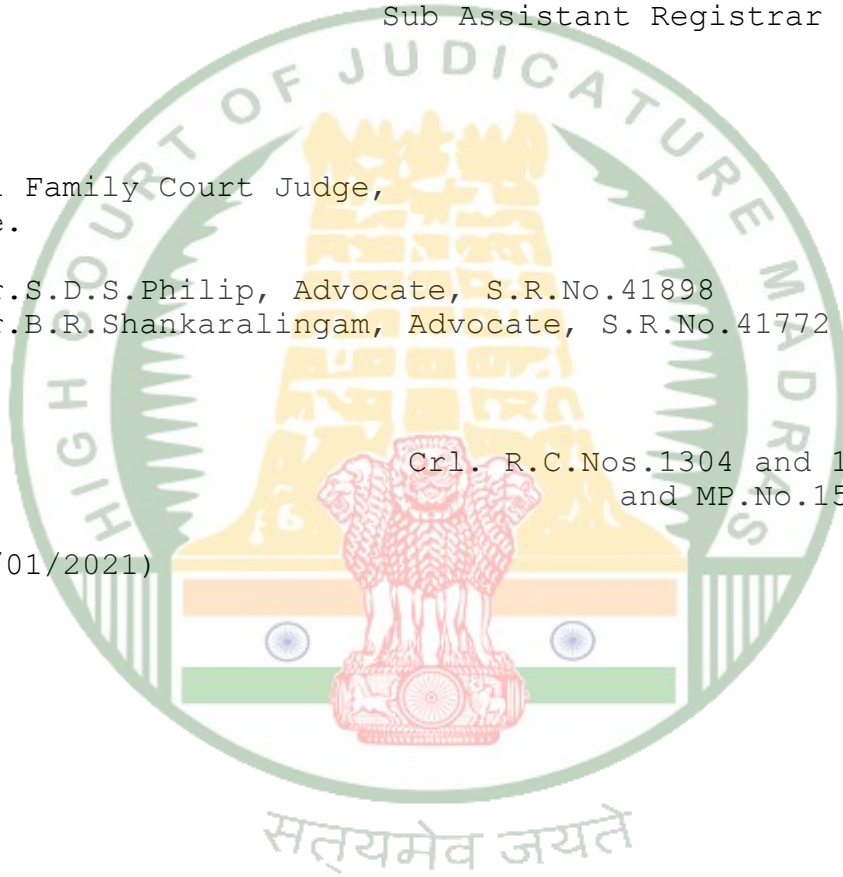
To
The Judge,
Additional Family Court Judge,
Coimbatore.

+2cc to Mr.S.D.S.Philip, Advocate, S.R.No.41898

+2cc to Mr.B.R.Shankaralingam, Advocate, S.R.No.41772 & 41773

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