

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1386 of 2019 &

Crl.M.P.No.18270 of 2019

K.Shankar Ganesh Petitioner

Vs.

V.Shyamala alias Vimala Respondent

PRAYER: Criminal Revision Petition filed under 397 r/w 401 of Cr.P.C. to set aside the order dated 26.09.2018 passed by the learned IV Additional Family Court, Chennai in M.P.No.605 of 2018 in M.C.No.197 of 2018.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

A perusal of records, it could be seen that the Revision has been referred to Mediation and Conciliation Centre, on 09.12.2019 and 06.02.2020, respectively, for an amicable settlement. However, today none appeared on either side to represent that whether the matter has been settled or not. Since the Revision is arising out of the order passed by the learned Judge, Family Court, Chennai, under Section 125 of Cr.P.C., this Court is not inclined to adjourn the matter further, and however, inclined to dispose the matter on merits on available records.

2. This Criminal Revision is filed by the petitioner/husband against the order passed by the learned IV

Additional Family Judge, Chennai in M.P.No.605 of 2018 in M.C.No.197 of 2018.

3. Earlier, the respondent/wife filed a petition under Section 125(3) of Cr.P.C. seeking maintenance of Rs.10,000/- for herself in M.C.No.197 of 2018, on the file of the learned IV Additional Judge, Family Court, Chennai. Pending maintenance case, the respondent/wife filed an interim application in M.P.No.605 of 2018, seeking interim maintenance of Rs.5,000/- per month. The learned IV Additional Judge, Family Court, Chennai, by an order dated 26.09.2018, directed the petitioner/husband to pay a sum of Rs.4,000/- per month as interim maintenance to the respondent/wife from 24.05.2018. Challenging the above order, the petitioner/husband has filed this Revision.

4. In the grounds of Revision, it is stated by the petitioner/husband that the respondent/wife deserted the petitioner/husband and their children, and left the matrimonial home on her own volition and now the children are in the custody of the petitioner and he is taking care of the children and therefore, as the respondent/wife has voluntarily left the matrimonial home, she is not entitled to get any maintenance from the petitioner/husband.

5. Perusal of the materials available on record discloses that the marriage between the petitioner and the respondent was solemnized on 12.05.2006 and out of the wedlock, two male children were born to them. Due to family dispute, the respondent/wife left the matrimonial home. Since the respondent felt it difficult to take care of herself, she filed a petition under Section 125(3) of Cr.P.C. before the learned IV Additional Judge, Family Court, Chennai. The revision petitioner/husband has not produced any document to show that his wife was getting sufficient income to maintain her. The learned Judge, after considering the issue elaborately, ordered a sum of Rs.4,000/- as interim maintenance to the respondent/wife. Further, no revision would lie as against the order of interim maintenance.

6. Therefore, I do not find any error or illegality in the order passed by the learned Judge. Further, it is only an interim maintenance. The petitioner can canvass all the grounds in the main petition. Hence, I am not inclined to interfere with the order impugned in this revision.

7. Accordingly, the Criminal Revision Case is dismissed. The petitioner / husband is directed to pay the interim maintenance as per the findings of the learned IV Additional Judge, Family Court, Chennai and further directed to pay arrears of amount within one month, failing which, the respondent/wife

shall have the liberty to bring it to the notice of the learned IV Additional Judge, Family Court, Chennai, and the learned Judge, shall pass necessary orders in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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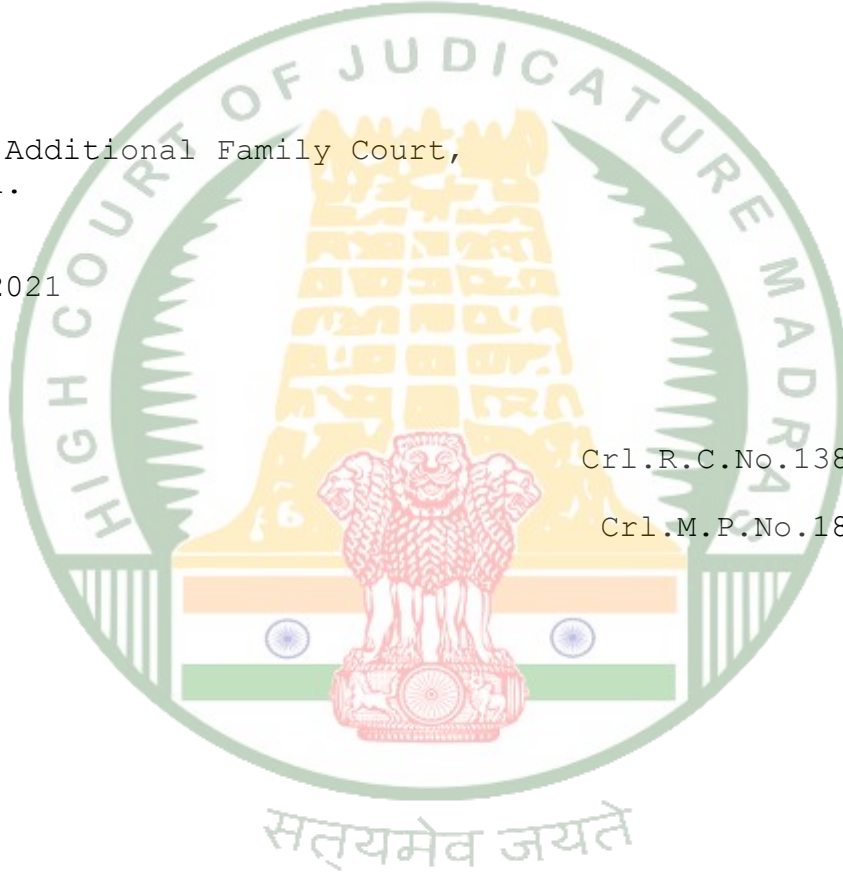
Sub Assistant Registrar

r n s

To

1. The IV Additional Family Court,
Chennai.

KV(CO)
SM/04/03/2021



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