



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.R.C.No.35 of 2018

And

Cr1.M.P.No.218 of 2018

S.Prabu

... Petitioner

Vs.

1. A.Priya

2. P.Akshara (Minor)
Rep. by Mother and Natural
Guardian first respondent

... Respondents

Prayer:

Petition filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order of maintenance dated 20.11.2017 passed in M.P.No.342 of 2015 in M.C.No.66 of 2015 on the file of VI Additional Family Court, Chennai by allowing the revision petition.

For Petitioner : Mr.L.Prabahar

For Respondents : No Appearance

O R D E R

The petitioner has filed this petition seeking to set aside the order of maintenance dated 20.11.2017 passed in M.P.No.342 of 2015 in M.C.No.66 of 2015 on the file of the VI Additional Family Court, Chennai by allowing the revision petition.

2.The facts of the case is that the marriage between the petitioner and the first respondent was solemnized on 22.03.2010 and out of the wedlock, second respondent was born to them. Thereafter matrimonial dispute arose inbetween them and the petitioner is alleged to have deserted the respondents. Thereafter the respondents filed M.C.No.66 of 2015 before the



learned VI Additional Family Court, Chennai, seeking maintenance of Rs.25,000/- per month for the second respondent and also filed M.P.No.342 of 2015 in M.C.No.66 of 2015 before the learned VI Additional Family Court, Chennai, seeking interim maintenance of Rs.15,000/- per month for the second respondent. After adjudication, the trial Court awarded a sum of Rs.12,000/- per month towards interim maintenance in favour of the second respondent. Challenging the same, the petitioner has filed this revision.

3.The learned counsel appearing for the petitioner submitted that the petitioner is running a xerox shop and is earning only a meagre amount and further submitted that the amount of Rs.12,000/- per month awarded towards interim maintenance in favour of the second respondent is highly exorbitant and prayed for modification of the award amount. The learned counsel further submitted that the petitioner has complied with the conditional order of interim stay granted by this Court on 11.01.2018.

4.Though the name of the legal aid counsel was printed in the cause list on behalf of the respondents, today when the matter is taken up for consideration, there is no representation for the respondents. Hence, considering the pendency of the case, this Court is inclined to decide the matter based on the materials available on record.

5.The facts of the case and the relationship between the parties is not disputed. The first respondent has filed maintenance case seeking maintenance only for the second respondent. The petitioner is also seeking only reduction in the interim maintenance awarded in favour of the second respondent. Hence, this Court is inclined to reduce the amount awarded as interim maintenance in favour of the second respondent from the sum of Rs.12,000/- per month to a sum of Rs.10,000/- per month.

6.Accordingly, the order dated 20.11.2017 passed in M.P.No.342 of 2015 in M.C.No.66 of 2015 by the VI Additional Family Court, Chennai, is modified as follows:

'The petitioner is directed to pay a sum of Rs.10,000/- per month to the second respondent towards interim maintenance from the date of petition viz., 11.08.2015 till the date of disposal of the maintenance case petition.'

7.The petitioner is directed to deposit the entire arrears amount of interim maintenance as per the modified award amount, less the amount already deposited, as expeditiously as possible. On such deposit being made, the said amount shall be deposited



in any one of the Nationalized Bank, till the second respondent attain the age of majority and the guardian of the minor respondent namely, the first respondent is entitled to withdraw the accrued interest, once in three months.

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8. Since the maintenance case is of the year 2015, the learned VI Additional Family Court Judge, Chennai, is directed to expedite the trial in M.C.No.66 of 2015 and dispose of the same, as expeditiously as possible.

9. This revision is accordingly disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The VI Additional Family Court,
Chennai.

+lcc to Mr.L.Prabahar, Advocate, S.R.No.48346

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GPL (CO)
SU(12/10/2021)