

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.190 of 2021

1.V.Annalatha @ Aiswarya. V.

2.Minor Dikshitha

Represented by her mother and natural guardian

V.Annalatha @ Aiswarya. V ... Petitioners

..vs..

Kumar.P

... Respondent

Criminal Revision Case filed under Section 397 Cr.P.C, to set aside the order dated 20.02.2021 in M.P.No.81 of 2017 in M.C.No.394 of 2016 on the file of the I Additional Family Court, Chennai only to the extent whereby the I Additional Family Court, Chennai has held that interim maintenance amount to be paid from the date of the order instead of from the date of filing of the petition i.e. on 28.09.2016.

For Petitioners : Mr.Anil Relwani

O R D E R

By consent of the learned counsel for the petitioners, the matter is taken up today for final disposal at the admission stage itself, without issuing notice to the respondent.

2.This Criminal Revision Case has been filed against the order dated 20.02.2021 made in M.P.No.81 of 2017 in M.C.No.394 of 2016 on the file of the I Additional Family Court, Chennai.

3.It is the case of the petitioners that the respondent/husband filed M.C.No.394 of 2019 before the I Additional Family Court, Chennai. During the pendency of the maintenance case, the petitioners who are the wife and daughter of the respondent filed M.P.No.81 of 2017 seeking interim maintenance before the I Additional Family Court, Chennai. After hearing, the learned Judge ordered Rs.10,000/- per month as maintenance to the 1st petitioner/wife and Rs.15,000/- per month as maintenance to the 2nd respondent/daughter from the date of the order. Challenging the same, the present Criminal Revision Case.

4.The learned counsel for the petitioners would submit that as per the ratio laid down by the Hon'ble Supreme Court, the maintenance order should be passed from the date of filing of the petition and not from the date of the order. However, the learned Judge failed to follow the dictum laid down by the Hon'ble Supreme Court and passed the order.

5.On a careful perusal of the records, it reveals that maintenance case is pending from the year 2016. The maintenance case itself is a summary procedure and the petitioners instead of proceed with the maintenance case, after one year filed M.P.No.81 of 2017 seeking interim maintenance. Hence, the learned Judge, after considering the petition, ordered interim maintenance from the date of the order. Further, no revision is maintainable against the interlocutory order.

6. In the light of the above facts, this Court is of the opinion that this Criminal Revision Case is not maintainable and it is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed.

7.However, the learned I Additional Principal Judge, I Additional Family Court, Chennai, is directed to consider the contention of the petitioners at the time of disposing the maintenance case in M.C.No.394 of 2016.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ms

To

The I Additional Principal Judge,
I Additional Family Court,
Chennai.

Crl.R.C.No.190 of 2021

AD(CO)
GMY(23/06/2021)