

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.1022 of 2019 and  
CrI.M.P.No.14167 of 2019

D.Pughazendi

...Petitioner/Respondent

Vs.

P.Sargunam

...Respondent/Petitioner

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order in M.P.No.206 of 2019 in M.C.No.164 of 2018 dated 26.08.2019 on the file of V Additional Family Court at Chennai.

For Petitioner : No Appearance  
For Respondent : No Appearance

ORDER

The petitioner is the husband and the respondent is his wife. The respondent has filed a petition before the learned V Additional Principal Judge, Family Court, Chennai under Section 125 of Cr.P.C., in M.C.No.164 of 2018 for monthly maintenance, in which, she has filed a petition under Section 125(1)(d) of Cr.P.C., in M.P.No.206 of 2019 for interim maintenance till disposal of the maintenance case in M.C.No.164 of 2018. The learned V Additional Principal Judge, Chennai, by order, dated 26.08.2019, allowed the petition and directed the petitioner to pay a sum of Rs.7,000/- per month to the respondent towards interim maintenance. Challenging the same, the husband/petitioner has filed the present criminal revision.

2.No representation on both sides either in person or by their respective counsel.

3.Admittedly, the maintenance case in M.C.No.164 of 2018 filed by the respondent is pending before the learned V Additional Principal Judge, Chennai, in which, she has filed a petition for interim maintenance in M.P.No.206 of 2019. The learned V Additional Principal Judge, Chennai stated in the order that the petitioner has retired from service and after his retirement, he received a sum of Rs.7,00,000/- as retirement benefit and receiving Rs.15,000/- as monthly pension, whereas the respondent/wife is unable to maintain

herself and therefore, she filed the maintenance case. The entitlement of the respondent for monthly maintenance can be decided in the ground case in M.C.No.164 of 2018. Further, the learned V Additional Principal Judge, Chennai considering the fact that the petitioner has retired from service and after his retirement, he received a sum of Rs.7,00,000/- as retirement benefit and receiving Rs.15,000/- as monthly pension and the respondent is living separately, directed the petitioner to pay Rs.7,000/- as interim maintenance to the respondent.

4.Under these circumstances, this Court is of the view that whether the wife is able to maintain herself or not and whether the husband is having sufficient means or not would be decided only in the ground case in M.C.No.164 of 2018. Since the material shows that the petitioner received a sum of Rs.7,00,000/- as retirement benefit and receiving pension of Rs.15,000/- per month, the V Additional Principal Judge, Family Court, Chennai, directed the petitioner to pay Rs.7,000/- as interim maintenance to the respondent would no way cause prejudice to him. Further, no revision is maintainable against the order of interim maintenance.

5.In view of the above, the Criminal Revision is liable to be dismissed and it is, accordingly, dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vv2

To

The V Additional Principal Judge,  
Chennai.

WEB COPY

Cr1.R.C.No.1022 of 2019

SR I (CO)  
KKV/01/03/2021