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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.RC.No.1231 of 2018
and
Crl.M.P.No.14631 of 2018
and
Crl.M.P.No.8931 of 2019

Rajeswaran Kalaiselvan
(Rep. by his father / power agent Kalaiselvan)
...Appellant/Respondent
Vs.

1. G.Janani
2. J.R.Shivani
Rep by Mother and Natural guardian Janani.G)
...Respondents/Petitioners

Prayer : Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure code to set aside the Fair and Decreetal order passed in M.C.No.359 of 2016 dated 27.07.2018 on the file of the IV Additional Family Court, Chennai.

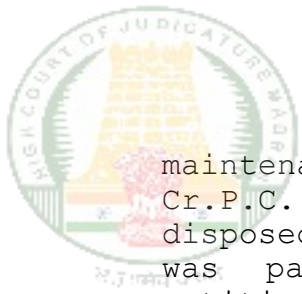
For Petitioner : Ms.Kaaviya
for A.R.Suresh

For Respondents : Mr.A.K.Sriram for
M/s A.S.Kailasam & Associates

O R D E R

This petition has been filed to set aside the Fair and Decreetal order passed in M.C.No.359 of 2016 dated 27.07.2018 on the file of the IV Additional Family Court, Chennai.

2. The petitioner married the respondent on 05.06.2011 at New Woodlands Hotel, Cathedral Road, Chennai as per Hindu Rites and Customs and the marriage was registered on 10.06.2011 and they have begotten a child on 22.03.2013. Thereafter, there was no compatibility in between the married couples and hence, the Original Petition has been filed by the respondent wife against her husband under Section 13(1) (i-a) of the Hindu Marriage Act, to dissolve the marriage solemnized between the petitioner and the respondent on 05.06.2011 and she also filed



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maintenance petition in M.C.No.359 of 2016 under Section 125 Cr.P.C. The Trial Court, vide common order dated 27.07.2018, had disposed of both the petitions, whereby, the Original Petition was partly allowed, dissolving the marriage between the petitioner and the respondent and directed the petitioner husband to pay a sum of Rs.3,00,000/- to the minor daughter for her medical expenditure, since she has hole in her heart and undergone treatment and the maintenance petition was also partly allowed, directing the petitioner husband to pay Rs.50,000/- per month to the minor child from the date of that petition, i.e., 06.09.2016. Challenging the said order, this petition has been filed by the petitioner.

3. This Court, vide order dated 01.11.2018 in CrI.M.P.No.14631 of 2018, granted interim order of stay and directed the petitioner husband to deposit 50% of the entire amount by fixing the interim maintenance at Rs.20,000/- to the respondent towards arrears in payment of maintenance to the credit of M.C.No.359 of 2016, and on further condition that the petitioner should continue to pay a sum of Rs.20,000/- as maintenance .

4. The respondent vide memo dated 22.07.2021, had stated that he has paid the entire arrears of maintenance amount totaling a sum of Rs.2,60,000/- from 06.09.2016 to 01.11.2018 and further continued to pay the monthly maintenance of Rs.20,000/- per month as per the order of this Court.

5. This Court heard the submission of the learned counsel appearing for the petitioner and the respondent and perused the materials available on record.

6. Though various issues are raised before this Court, however, the learned counsel appearing for the respective parties, on instructions, submit that they are agreeable to settle the matter amicably between them and thereby, agree that the petitioner shall pay a sum of Rs.45,000/- per month as monthly maintenance to the minor daughter towards her medical and educational expenses.

7. In view of the above consent view expressed by the parties, the petitioner is directed to pay the arrears of maintenance at Rs.45,000/- per month towards monthly maintenance, less the deposit already made towards to the minor child from the date of petition, viz., 06.09.2016 till the date of this order within a period of four weeks from the date of this order to the credit of M.C. No.359/2016 and further shall continue to pay a sum of Rs.45,000/- per month as maintenance on or before the 7th day of every English calendar month, from the date of this order . The Trial Court is directed to release the



deposited amount as ordered by this Court vide order dated 01.11.2018 and also the amount that would be deposited by the husband, pursuant to the settlement arrived at on the quantum of monthly maintenance, on appropriate application being filed by the 1st respondent/mother of the 2nd respondent.

8. This Criminal Original Petition is disposed of with the above directions. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
IV Additional Family Court,
Chennai.

+1cc to Mr.Suresh, Advocate, S.R.No.40851

+1cc to M/s A.S.Kailasam & Associates, Advocate, S.R.No.40913

Cr1.RC.No.1231 of 2018
and
Cr1.M.P.No.14631 of 2018
and
Cr1.M.P.No.8931 of 2019

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