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CrI.R.C.No.168 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

CrI.R.C.No.168 of 2020
and
CrI.M.P.No.1272 of 2020

A.Murugan ... Petitioner

Vs.

K.Abirami ... Respondent

Prayer:

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C., to call for the records and set aside the order in C.M.P.No.96 of 2018 in M.C.No.44 of 2018 on the file of the learned Additional Family Judge, Coimbatore.

For Petitioner : No appearance

For Respondent : Mr.R.Ganesh Babu

ORDER



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This Criminal Revision Case has been filed against the order dated 12.09.2019 passed C.M.P.No.96 of 2018 in M.C.No.44 of 2018 on the file of the learned Additional Family Judge, Coimbatore.

2. When the matter came up for hearing on 06.12.2022, at the request made by the learned counsel for the petitioner, the matter was adjourned today under the caption “ for orders”. Today, when the matter is taken up for hearing, there is no representation for the petitioner. Hence, this Court is inclined to consider the materials available on record and pass the final order in the Revision Case.

3. Petitioner is the husband. Respondent is the wife. The respondent/ wife filed petition in M.C.No.44 of 2018 under Section 125(1)(a) of Cr.P.C., before the Additional Family Court, Coimbatore, claiming maintenance of Rs.15,000/- for the respondent and Rs.5000/- for her daughters. Pending the maintenance case, she also filed a petition in C.M.P.No.96 of 2018 in M.C.No.44 of 2018 under Section 125(1)(d) Cr.P.C., claiming sum of Rs.10,000/- as interim maintenance. The same was disposed of by the



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Family Court, directing the petitioner to pay a sum of Rs.7,000/- as interim monthly maintenance vide order dated 12.09.2019 in C.M.P.No.96 of 2018 in M.C.No.44 of 2018. Aggrieved over the same, the petitioner/husband has filed the present Criminal Revision Case. Though the family court, ordered Rs.7,000/- only as interim maintenance, the petitioner/husband has not given the interim maintenance to the respondent/wife.

4. Learned counsel for the respondent submitted that interim stay has been granted by this Court vide order dated 03.02.2020.

5. The maintenance case has been filed in the year 2018 and the same is pending till today. The Hon'ble Supreme Court again and again has given directions that the maintenance case should not be prolonged unless the circumstances warrants. This Court do not find any circumstances in this case to prolong the matter, particularly, impugned order is only for interim maintenance. It is a well settled proposition of law that no revision would lie on any interlocutory order. The petition under Section 125 Cr.P.C., itself is a summary proceedings and it has to be decided and disposed of within a



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short span of time.

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6. Considering the facts and circumstances, this Court finds that there is no merit in the Criminal Revision Case and the same is liable to dismissed. Family Court is directed to dispose of the main case in M.C.No.44 of 2018 within two months from the date of receipt of copy of this order. It is made clear that no extension of time will be granted.

7. With the abovesaid direction, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

14.12.2022

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Index:yes/No
Internet:yes/No

To

The Additional Family Judge,
Additional Family Court,
Coimbatore.

P.VELMURUGAN, J.

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