



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.Nos.281 and 253 of 2022

Dr.R.K.Rajendra Kumar

.. Petitioner
(in both Crl.R.Cs)

Versus

1. Chelvi
2. R.Pooja Kanmani

.. Respondents
(in both Crl.R.Cs)

Prayer in Crl.R.C.No.281 of 2022: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to set aside the order, dated 18.09.2021 made in M.P.No.1195 of 2019 in M.P.No.98 of 2017 in M.C.No.201 of 2009 on the file of the III Additional Principal Family Court at Chennai by allowing this Criminal Revision Petition.

Prayer in Crl.R.C.No.253 of 2022: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to set aside the order, dated 18.09.2021 made in M.P.No.543 of 2016 in M.C.No.201 of 2009 on the file of the III Additional Principal Family Court at Chennai by allowing this Criminal Revision Petition.

For Petitioners : Mr.R.T.Vishnu
(in both Crl.R.Cs)

For Respondent : Mr.J.Ravi Kumar
(in both Crl.R.Cs)

COMMON ORDER

Crl.R.C.No.281 of 2022 is filed against the order, dated 18.09.2021 in M.P.No.1195 of 2019 in M.P.No.98 of 2017 in M.C.No.201 of 2009, whereby, the prayer of the petitioner, to restore the condonation of delay application in filing the set exparte order in the Maintenance Case is rejected. Crl.R.C.No.253 of 2022 is filed against the order, dated 18.09.2021 in M.P.No.543 of 2016 in M.C.No.201 of 2009, whereby, the III Additional Principal Family Court at Chennai had ordered arrest for non-payment of arrears. Since, both the Revision



Cases relate to the same matter of payment of maintenance by the petitioner to his wife and minor daughter, they are taken up and disposed off together by this common order.

2. The petitioner has also not complied with the conditional order imposed by this Court. It is seen that the exparte judgment was passed on 13.12.2011 and more than ten years have lapsed, there are arrears amounting to Rs.42,50,000/- as on date.

3. The learned Counsel for the petitioner would confirm that so far, only a sum of Rs.5,00,000/- have been paid. This is a case where repeatedly applications are being filed on behalf of the petitioner, without making any payment. Even before this Court, the learned Counsel for the petitioner, on instructions, would submit that since the properties are attached and some of the properties are being acquired, the petitioner is not in a position to sell his property and pay the amount.

4. It is further submitted that he is not even in the profession of Doctor, even though in the cause title, he himself describes as Dr.K.Rajendra Kumar, M.D. Suffice it to say that the petitioner, inspite of the order, does not want to pay the maintenance. Further to challenging his wife and minor daughter, now the petitioner is escalating the challenge to the legal process itself.

5. Both the Revision Cases are absolute abuse of process of law and therefore, are dismissed on the following terms:-

(i) The petitioner is further directed to pay monthly maintenance from this month i.e., from June, 2022;

(ii) The petitioner is also directed to pay the arrears in a phased manner in any event not later than six months from today;

(iii) However, if the petitioner does not pay the current month's maintenance within ten days from the date of receipt of the copy of this order and the monthly maintenance of future months on or before the fifth day of every succeeding English Calendar month or the petitioner does not pay the entire arrears within the period as mentioned above, apart from the Trial Court proceedings, further, to execute a warrant, it will also be open for the respondents to bring the disobedience to this Court by way of appropriate proceedings;

(iv) The respondents will also be entitled for costs of Rs.10,000/- each, in respect of these petitions



(v) Consequently, Crl.M.P.Nos.2819 and 2554 of 2022 are closed.

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Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

grs

To

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

+2ccs to M/s.R.T.Vishnu, Advocate SR.No.34751, 34752

+2ccs to Mr.J.Ravi Kumar, Advocate SR.No.34769, 34768

Crl.R.C.Nos.281 and 253 of 2022

EV(CO)
GMY(21/06/2022)