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Crl.R.C.No.936 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.936 of 2022
and Crl.M.P.No.9748 of 2022

Umesh Talawat

... Petitioner

Versus

1.Nitu Jain

2.Minor Divitha

[Minor represented by her mother and
natural guardian/first respondent herein]

... Respondents

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the interim maintenance order dated 21.08.2019 passed in M.P.No.638 of 2019 in M.C.No.364 of 2016 presently pending on the file of the IV Additional Family Court, Chennai and set aside the same.

For Petitioner : Mr.N.Balaji
For Respondent : Ms.S.Revathy

ORDER

This Criminal Revision Case has been filed against the order dated 21.08.2019 passed in M.P.No.638 of 2019 in M.C.No.364 of 2016 by the learned III Additional Principal Judge, III Additional Family Court, Chennai (now pending on the file of the IV Additional Family Court, Chennai).



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is the husband and the respondents are the wife and minor daughter. The respondents filed a case in M.C.No.364 of 2016 before the learned III Additional Family Court, Vellore under Section 125 of Code of Criminal Procedure seeking a sum of Rs.35,000/- per month as maintenance to the first respondent herein and Rs.15,000/- per month as maintenance to the second respondent herein and the same is pending for consideration. Subsequently, the respondents filed miscellaneous petitions in M.P.Nos.637 and 638 of 2019 under Section 125(2) Cr.P.C seeking to bear entire medical expenses of the second respondent herein and to pay a sum of Rs.25,000/- per month as maintenance to the first respondent herein and Rs.10,000/- per month as maintenance to the second respondent herein and the same was partly allowed by the Court below. Challenging the same, the petitioner has filed the present revision.

4. The learned counsel for the petitioner/husband submitted that this Court while admitting the revision directed the petitioner to pay entire arrears



amount and also directed to pay a sum of Rs.10,000/- per month as interim maintenance to the respondents.

5.Today, when the matter is taken up for hearing the learned counsel for the petitioner submitted that the petitioner has deposited the entire arrears amount and has also regularly paying the monthly maintenance. The learned counsel further submitted that the petitioner is ready to dispose of the main maintenance case itself.

6. The learned counsel for the respondents submitted that paying maintenance amount of Rs.10,000/- per month is not sufficient to maintain the first respondent and her minor daughter's medical and other expenses and hence, the respondents prays to enhance the same.

7. It seems that the main maintenance case is pending from the year 2016, instead of proceeding with the case, after three years i.e. in the year 2019, the respondents filed miscellaneous petitions seeking interim maintenance and medical expenses and the same was allowed by the Court below.



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8. The scope of Section 125 Cr.P.C is summary in nature and its object itself has to be decided within a short span of time. In the case on hand, maintenance case is pending from the year 2016, instead of proceeding with the case, the parties are dragging the matter one way or the other. Unfortunately, the Family Court also without deciding the matter on merits, simply adjourning the matter without considering the object of Section 125 Cr.P.C.

9. In the light of the above facts, this Criminal Revision Case is disposed of by setting aside the order dated 21.08.2019 passed by the learned III Additional Family Court, Chennai with the following directions :

(i) The petitioner is directed to pay a sum of Rs.10,000/- per month as interim maintenance to the respondents till the disposal of M.C.No.364 of 2016.

(ii) The learned Judge, Family Court, Chennai is directed to dispose of M.C.No.364 of 2016 within a period of three months from today (i.e. on 14.10.2022). It is made clear that no extension of time will be granted to dispose of the case.



Crl.R.C.No.936 of 2022

(iii) Both the parties are directed to extend their fullest co-operation to dispose of the case. The petitioner shall not insist the Court below to try all pending cases together.

(iv) Consequently, connected miscellaneous petition is closed.

14.10.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms

To

1. The Judge,
Family Court, Chennai.
- 2.The III Additional Family Court,
Chennai.
- 3.The IV Additional Family Court,
Chennai.



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P.VELMURUGAN, J.

ms

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