



Crl.M.P.No.9473 of 2022
in H.C.P.No.1882 of 2018

Crl.M.P.No.9473 of 2022
in H.C.P.No.1882 of 2018

WEB COPY

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner (mother) has come forward with the present petition to clarify the order dated 12.11.2018 passed in H.C.P.No.1882 of 2018.

2. Heard Mr.M.Devaprabhu, learned counsel for the petitioner (mother), Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor for the first respondent and Mr.S.Sathia Chandran, learned counsel for the second (father) and third respondents. The parties are also present before this Court along with their counsel.

3. This Court, on 12.11.2018, after interacting with the children with regard to visitation by their father, held that the custody of the children will be with the petitioner (mother) and she has no objection to the second respondent (father) for visiting the children from 4.00 p.m. to 8.00 p.m. at her residence. It is seen that there are no specific days mentioned for the second respondent (father) to meet his children. Hence, the present petition for clarification has been filed.

4. It is represented by the learned counsel appearing for the second respondent (father) that the second respondent's (father's) father is blind and the children must visit not only the family members, but also, stay with them for view hours.



5. The same has been resisted by the petitioner (mother) on the ground of cruelty and unwillingness of the children to go with the second respondent (father). That apart, the petitioner (mother) stated that after filing G.W.O.P. for custody by the second respondent (father), a maintenance petition has been filed her seeking maintenance for herself and two children.

6. When this Court posed a question to the second respondent (father) as to whether any interim maintenance could be paid to the children, it is represented by the learned counsel for the second respondent (father) that the second respondent's (father's) monthly income is Rs.10,000/- and it will be very difficult for him to pay huge amount and that apart, the petitioner (wife) is employed.

7. The petitioner (wife) disputed the fact that she is employed and submitted that she is a home maker now and being taken care by her brother and father.

8. We are not inclined to go into the disputed questions of fact. As there is no specific days are mentioned in the earlier order and the second respondent (father) is willing to visit the children and the petitioner (mother) has no objection for the same, the earlier order dated 12.11.2018 stands clarified as under:

- i. the second respondent (father) shall visit the children at J.J. Park at Nanmangalam between 4.00 p.m. and 8.00 p.m. on every Saturday;
- ii. as agreed by the second respondent (father), he shall pay a sum of Rs.2,000/- per children totally Rs.4,000/- as interim maintenance to the children to the credit of M.C.No.8 of 2020 on the file of the Mahila Court, Alandur or into the bank account of the petitioner (wife) from July 2022 onwards. On such deposit, the petitioner (mother) is entitled



Ctrl.M.P.No.9473 of 20__
in H.C.P.No.1882 of 2018

to withdraw the same;

iii. for the month of July 2022, the sum of Rs.4,000/- shall be paid before 31.07.2022. From the month of August 2022 onwards, the interim maintenance of Rs.4,000/- shall be paid on or before 10th of every English calendar month by depositing in the trial Court or into the bank account of the petitioner (mother) and on such deposit, the petitioner (mother) is entitled to withdraw the same;

iv. the amount payable now shall be adjusted on the orders that may be passed by the trial Court in M.C.No.8 of 2020;

v. the above conditions (i) and (ii) with regard to custody and interim maintenance are without any prejudice to the rights of the parties that are pending before the appropriate forum.

With the above clarifications, this criminal miscellaneous petition is ordered.

(S.V.N., J.) (A.D.J.C., J.)
18.07.2022

nsd

Note: Issue copy of this order within a week.

To

1.The Judge,
Mahila Court, Alandur.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.M.P.No.9473 of 20__
in H.C.P.No.1882 of 2018

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

nsd

CrI.M.P.No.9473 of 2022
in H.C.P.No.1882 of 2018

18.07.2022