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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Cr1.R.C.No.753 of 2022

and

Cr1.M.P.No.7669 of 2022

A.Thoufic Rahman ... Appellant/Petitioner/Respondent

Versus

1.K.S.Thasneem Parveen

2. Minor Lashima Sherin .. Respondents/Petitioners

Prayer: Criminal Revision Petition filed u/s. 397 read with 401 of Cr.P.C to call for the records relating the order passed in C.M.P.No.257 of 2021 in M.C.No.64 of 2021 dated 27.04.2022 by the learned Additional Principal Family Judge, Coimbatore set aside the same.

For Appellant : Mr.A.Saranraj

For Respondent : No appearance

JUDGMENT

By an order dated 27.04.2022 in C.M.P.No.257 of 2021 in M.C.No.64 of 2021, the learned Additional Principal Family Judge, Coimbatore, ordered the petitioner to pay an interim maintenance of Rs.20,000/- each namely to the first respondent wife and the second respondent minor daughter, in a total of Rs.40,000/- per month. The same is questioned in this revision.

2. The learned counsel for the petitioner would submit that the said amount is exorbitant and it is more than what is necessary to sustain a living by the respondents and therefore prays that this has to be interfered with, by this Court.



3. I have considered the submissions made by the learned counsel for the appellant perused the materials placed on record.

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4. I am of the view that, it is only an interim maintenance pending main maintenance case. It is seen that, both parties have filed the affidavits of assets and liabilities, as directed by the Hon'ble Supreme Court of India reported in Rajnesh Vs. Neha in CrI.A.No.730 of 2020.

5. In that view of the matter, the trial in the main maintenance case itself can be completed shortly and therefore without going into further details, this Court is of the opinion that the same could be gone into detail at the time of deciding the main maintenance case.

6. I am of the view that, prima facie fixing of interim maintenance temporarily pending main maintenance petition could not be found fault with. Therefore, this Criminal Revision is disposed of with the following terms:

(i) The order of the learned Additional Principal Family Judge, Coimbatore dated 27.04.2022 in C.M.P.No.257 of 2021 in M.C.No.64 of 2021 is upheld.

(ii) The learned Additional Family Judge, Coimbatore is directed to dispose of the M.C.No.64 of 2021 on merits in accordance with law as expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sma

To

1. The Additional Principal Family Judge,
Coimbatore
2. The Public Prosecutor,
Madras High Court.

CrI.R.C.No.753 of 2022
and
CrI.M.P.No.7669 of 2022

SKM(CO)
UMA(06/07/2022)