



WEB COPY



CrI.R.C.No.1368 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.1368 of 2022
and CrI.M.P.No.15087 of 2022

S.Thanikasalam

... Petitioner

..VS..

1.T.Shanthi

2.T.Aishwarya Prathina

... Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C to call for the records and set aside the common order passed on 11.07.2022 by the learned VI Additional Family Court, Chennai in M.C.No.155 of 2020.

For Petitioner : Mr.S.Ruban Prabhu
For Respondents : Party-in-Person

ORDER

This revision has been preferred challenging the order dated 11.07.2022 passed in M.C.No.155 of 2020 by the learned VI Additional Family Court, Chennai.



Crl.R.C.No.1368 of 2022

WEB COPY

2. Heard the learned counsel for the petitioner and the respondents-in-person and also perused the materials available on record.

3. The petitioner is the husband, the first respondent is the wife and the second respondent is the daughter.

4. The respondents filed a petition under Section 125 of Cr.P.C in M.C.No.155 of 2020 before the learned VI Additional Principal Family Court, Chennai, seeking a sum of Rs.30,000/- to each of the respondents per month as maintenance. Pending maintenance case, the respondents filed a petition in M.P.No.354 of 2020 seeking interim maintenance. The Court below, by common order dated 11.07.2022, partly allowed M.C.No.155 of 2020 and directed the petitioner to pay a sum of Rs.20,000/- per month to the first respondent and Rs.10,000/- per month to the second respondent as maintenance and the trial Court dismissed the interim maintenance case as having become infructuous, since the main M.C. itself has been disposed of and the petitioner was directed to



Crl.R.C.No.1368 of 2022

pay a sum of Rs.7,000/- towards litigation expenses to the respondents.

Challenging the said order, the petitioner has preferred the present revision.

5. The learned counsel for the petitioner submitted that the statement of the assets and liabilities submitted by the respondents itself shows that the second respondent is working in a private concern and she has obtained housing loan, however, the Court below, without giving opportunity to the petitioner to let in evidence, simply ordered maintenance to both the respondents.

6. Today, when the matter is taken up for hearing, the respondents 1 and 2 appeared in person and the second respondent submitted that she was undergoing college education at the time of filing the maintenance case and subsequently she got job and on the advise of the Doctor, she left her job due to her ill health and now, she is pursuing her Post Graduation.

7. Admittedly, the petitioner is working as a Assistant Professor



Crl.R.C.No.1368 of 2022

and earning a sum of Rs.1,00,000/- per month. The main contention raised by the petitioner is that the second respondent/daughter is working therefore, she is not entitled for maintenance. However, to substantiate the same, the petitioner has not produced any oral and documentary evidence.

8. At this juncture, the learned counsel for the petitioner submitted that the second respondent who has obtained housing loan, now cannot be stated that she left her job, since without any source of income, no finance company would provide the housing loan. However, the second respondent has stated that now she resigned her job due to her ill health, as per the advise of the Doctor. To substantiate the same, they have not filed any document. Therefore, in the absence of the same and without producing any oral and documentary evidence by the respondents the learned Magistrate ordered to pay a sum of Rs.10,000/- to the second respondent as monthly maintenance and hence, I feel that the order passed by the learned VI Additional Family Court, Chennai is liable to be set aside and the matter should be remanded back to the Court below to



Crl.R.C.No.1368 of 2022

dispose of the maintenance case afresh.

WEB COPY

9. In view of the above stated reasons, this Criminal Revision is allowed and the order dated 11.07.2022 passed in M.C.No.155 of 2020 by the learned VI Additional Family Court, Chennai is set aside and the matter is remanded back to the Court below and the Court below shall pass orders afresh on merits and in accordance with law, after affording an opportunity of hearing to both the parties, within a period of three months from today. Both the parties are directed to give their fullest co-operation for early disposal of the case. The petitioner is directed to deposit the entire arrears amount within a period of fifteen days from today i.e. on or before 31.10.2022. Consequently, connected miscellaneous petition is closed.

17.10.2022

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

Page No.5/6



WEB COPY



Crl.R.C.No.1368 of 2022

P.VELMURUGAN, J.

ms

To

The VI Additional Family Court,
Chennai.

Crl.R.C.No.1368 of 2022
and
Crl.M.P.No.15087 of 2022

17.10.2022

Page No.6/6