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CrI.RC.No.1518 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.1518 of 2022

and

CrI.M.P.No.17786 of 2022

Sivakumar

... Petitioner

Vs.

1. Divya Bharathi

2. Yuvitha Sree

Minor Rep. by the 1st respondent

3. Yuva Sree

Minor Rep. by the 1st respondent

... Respondents

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order dated 14.09.2022 passed in CrI.M.P.No.149 of 2021 in M.C.No.147 of 2021 on the file of the IV Additional Family Court at Chennai.

For Petitioner : Mr.Anbarasu

**ORDER**

This Criminal Revision Case has been filed by the husband seeking to set aside the order of interim maintenance dated 14.09.2022 passed in CrI.M.P.No.149 of 2021 in M.C.No.147 of 2021 on the file of the IV Additional Family Court, Chennai.

2. The petitioner is the husband. The 1st respondent is the wife of the petitioner and the respondents 2 and 3 are the minor daughters of the petitioner and 1st respondent. The marriage between the petitioner and the 1st respondent took place on 01.09.2017 at Perambur, Chennai and out of their wedlock, they got twin daughters, the respondents 2 and 3 herein. Subsequently, after the birth of the children, the petitioner and the 1st respondent got separated and the 1st respondent is living separately with the the minor daughters/respondents 2 and 3 herein. The 1st respondent/wife along with the minor daughters had filed a petition under Section 125 Cr.P.C. before the Family Court, Chennai seeking maintenance in M.C.No.147 of 2020 and during pendency of the same, they filed a petition in M.P.No.149 of 2021 seeking interim maintenance of Rs.10,000/- to the 1st respondent/wife and Rs.10,000/- for the 2nd and 3rd respondents



herein/minor daughters. The learned Magistrate by order dated 14.09.2022, ordered Rs.4,000/- per month to the 1st respondent/wife and Rs.3,000/- per month each to the 2nd and 3rd respondents/minor daughters. Challenging the same, the petitioner/husband has filed the present revision before this Court.

3. Heard the learned counsel for the petitioner. Though the matter came up for admission, since the revision has been filed by the husband challenging the order of interim maintenance passed by the Family Court, this Court is inclined to dispose of the revision at the admission stage itself by going through the materials on record.

4. Though the learned counsel for the petitioner/husband submitted that without considering the Assets and Liability statements filed by the parties, the trial Court has ordered Rs.10,000/- as interim maintenance to the respondents without any basis, a perusal of the records shows that though the petitioner/husband has filed the Assets and Liability statement, it has not been filed in a proper perspective and he has not disclosed his income details. Further, it is only an order of interim maintenance and not a final order. Therefore, the revision would not lie. Even assuming that the revision



would lie, this Court does not find any perversity in the order passed by the Family Court. Therefore, the revision is liable to be dismissed.

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5. Accordingly, this Criminal Revision Case is dismissed at the admission stage itself. Consequently, connected Miscellaneous Petition is closed. The petitioner is at liberty to take all his defence in the maintenance case.

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To

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IV Additional Family Court
Chennai.



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P.VELMURUGAN,J.

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