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CrI.R.C.No.174 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

CrI.R.C.No.174 of 2020
and
CrI.M.P.No.1328 of 2020

R.Ramachandran

... Petitioner

Vs.

T.Vasupradha
Respondent

...

Prayer:Criminal Revision Case filed under Section 397 & 401 Cr.P.C.,
against the order in M.C.No.429 of 2017 dated 29.08.2019 on the file of the
I Additional Family Court, Chennai and set aside the same.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.N.Raja Senthoo Pandian

ORDER

This Criminal Revision Case has been filed against the order dated
29.08.2019 passed in M.C.No.429 of 2017 on the file of the I Additional
Family Court, Chennai.

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2. When the matter came up for hearing on 06.12.2022, at the request made by the learned counsel for the petitioner, the matter was adjourned today under the caption “ for orders”. Today, when the matter is taken up for hearing, the learned counsel for the petitioner is reluctant to proceed with the case. This Court has no other option, except to pass an order on merit. Hence, this Court is inclined to consider the materials available on record and pass the final order in the Revision Case.

3. The petitioner is the husband. Respondent is the wife. The petitioner/husband filed a petition in O.P.No.2508 of 2015 for dissolving the marriage between him and the respondent. Thereafter, respondent filed O.P.No.3461 of 2017 for restitution of conjugal rights against the petitioner. The respondent has also filed M.C.No.429 of 2017 for maintenance. The respondent has also filed an interlocutory application in I.A.No.1 of 2019 in O.P.No.2508 of 2015 to direct the respondent to return back the gold and silver articles and utensils. The I Additional Family Court connected all the cases and after hearing the arguments advanced on either side, passed the



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common order, in which, the Judge, Family Court dismissed the petition in O.P.No.2508 of 2015 filed by the petitioner/husband and allowed the petition in O.P.No.3461 of 2017 filed by the respondent/wife. Though the respondent sought Rs.30,000/-per month as maintenance amount, the Judge, Family Court ordered Rs.7,500/- as monthly maintenance amount till their reunion. O.P.No.3461 of 2017 was filed by the respondent/wife for restitution of conjugal rights and till now, the order of the trial court has not been obeyed by the petitioner and he has not paid any monthly maintenance to the respondent. The only motive of the petitioner is to prolong the matter.

4. During the pendency of matrimonial proceedings, the respondent/wife filed a case in M.C.No.429 of 2017. Since no salary has been specifically proved by either side, however, the Judge, Family Court by considering the materials available on record, fixing the notional income of the respondent as Rs.30,000/- per month, granted interim maintenance of Rs.7,500/- per month to the respondent herein. Order in M.C.No.429 of 2017 has been passed on 29.08.2019. Though the petition filed by the respondent for restitution of conjugal rights was allowed and till now, the



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petitioner has not taken any steps to take back his wife. The respondent is living separately and fighting with the petitioner through several matrimonial proceedings. The maintenance amount would not be sufficient even to meet out her litigating expenses. But the respondent has not filed any revision for enhancement of maintenance amount before this Court. This Court cannot traverse beyond the scope of revision.

5. Considering the facts and circumstances, this Court finds that there is no merit in the Criminal Revision Case and the same is liable to dismissed. The petitioner/husband is directed to deposit the entire arrears of monthly maintenance amount as ordered by the Court below till today, within a month from the date of receipt of copy of this order, failing which, the Family Court is directed to issue warrant to the petitioner herein even without any formal application from the respondent/wife.



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6. With the abovesaid direction, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

14.12.2022

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Index:yes/No
Internet:yes/No

To

The I Additional Family Judge,
I Additional Family Court, Chennai.



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P.VELMURUGAN, J.

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and
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14.12.2022