



Crl.O.P.No.20396 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20396 of 2021
and Crl.M.P.No.11089 of 2021

D.Hemalatha

...Petitioner

Vs.

1. Amsaveni

2. B.Swarnalatha

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order dated 18.12.2020 passed by the learned Additional Principal Family Court Judge, Coimbatore in C.M.P.No.74 of 2019 in M.C.No.86 of 2019.

For Petitioner : Mr.L.Mouli

For Respondents : Mr.B.Mohan

ORDER

This petition has been filed challenging the order of interim maintenance, dated 18.12.2020, passed by the learned Additional Principal Family Court Judge, Coimbatore in C.M.P.No.74 of 2019 in M.C.No.86 of 2019.



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WEB COPY 2. The first respondent filed maintenance case under Section 125(2) of Cr.P.C., as against her two daughters viz., the petitioner and the second respondent herein. According to the first respondent, her husband died and she is at the mercy of her two daughters. In the year 2014, her husband sold their house property to repay the debts incurred by them for running the family, meet out their medical expenses and also marrying of their daughters and also conducting various functions for them. After selling the house, Rs.60,00,000/- was deposited by her husband in his bank account. He also purchased some bonds investing a sum of Rs.22,50,000/- through which they were receiving Rs.30,000/- interest from the said deposit.

3. The first respondent and her husband were chronic diabetic patients and as such they had started living with the second respondent who is being the eldest daughter. However, the petitioner being their younger daughter cunningly persuaded her father to go and live with her. Since the first respondent has no income, she filed petition as against her husband seeking maintenance and received interim maintenance of Rs.15,000/- per month from her husband. Thereafter, the first



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respondent's husband was missing and found that he died in the house of the in-law of her younger daughter viz., the petitioner herein. While pending the maintenance case, the first respondent filed the present maintenance case for interim maintenance from her daughters.

4. After considering the above facts and circumstances, the trial Court ordered interim maintenance of Rs.8,000/- in which, Rs.6,000/- payable by the petitioner and Rs.2,000/- payable by the second respondent. This Court finds no infirmity or illegality in the order passed by the trial Court. However, the trial Court viz., learned Additional Principal Family Court Judge, Coimbatore, is directed to complete the trial and dispose the maintenance case within a period of three months from the date of receipt of a copy of this Order.

5. With the above directions, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

10.10.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order



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G.K.ILANTHIRAIYAN. J.

rts

To

1. The Additional Principal Family Court Judge,
Coimbatore.

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