



Crl.R.C.No.714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.06.2023

PRONOUNCED ON: 21.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.R.C.No.714 of 2023

and

Crl.M.P.No.5602 of 2023

Manickam @ Thanikachalam	...	Petitioner
	/vs/	
1.Janaki		
2.Krithick (Minor)		
(Rep.by his mother and Guardian		
1 st petitioner)	...	Respondent

PRAYER : Criminal Revision Case has been filed under Sections 397 and 401 Code of Criminal Procedure to set aside the impugned order dated 29.12.2022 passed in CMP.No.149 of 2018 in M.C.No.249 of 2017 by the Principal Family Judge, Coimbatore.

For Petitioner	...	Mr.S.Kamadevan
For Respondents	...	Mr.AR.L.Sundaresan, Senior Counsel for Mr.AR.M.Arunachalam



Crl.R.C.No.714 of 2023

ORDER

WEB COPY Challenging the impugned order dated 29.12.2022 passed in CMP.No.149 of 2018 in M.C.No.249 of 2017 by the Principal Family Judge, Coimbatore, the criminal revision case has been filed.

2.The learned counsel for the petitioner submitted that the petitioner is the husband of the first respondent and the father of the second respondent, who is the minor son. The first respondent/wife filed a Maintenance Case in M.C.No.249 of 2017 before the Principal Judge, Family Court, Coimbatore, in which, the first respondent/wife filed an application in CMP.No.149 of 2018 for interim maintenance.

3.Further, the learned counsel for the petitioner submitted that this Court by an order dated 18.12.2019 in Crl.O.P.No.33959 of 2019 directed the learned Principal Judge, Family Court, Coimbatore, to dispose of the maintenance case in M.C.No.249 of 2017 as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. Further, this Court by an order dated 07.12.2022 in



Crl.R.C.No.714 of 2023

Crl.O.P.No.25323 of 2022, directed the Principal Family Court Judge to dispose of CMP.No.149 of 2018 in M.C.No.249 of 2017 within a period of two weeks from the date of receipt of a copy of this order and also directed to expedite the disposal of M.C.No.249 of 2017. The learned Judge without disposing the M.C.No.249 of 2017 allowed the interim maintenance application in CMP.No.149 of 2018 by directing the petitioner to pay a sum of Rs.10,000/- per month to the first respondent/wife and a sum of Rs.10,000/- per month to the second respondent/minor son. Totally, a sum of Rs.20,000/- per month is awarded to the respondents as interim maintenance from the date of interim petition i.e. 07.08.2018 till the disposal of the main case, which is illegal and without any evidence, fixed the quantum of Rs.10,000/- per month for each respondent and without disposing the maintenance case, ordered interim maintenance are unsustainable and without any justification, ordered the interim maintenance of Rs.20,000/- to the respondents is illegal. Hence, he pleaded to set aside the impugned order and allow the criminal revision case.



CrI.R.C.No.714 of 2023

WEB COPY

4.The learned counsel appearing for the respondents submitted that the petitioner and the first respondent married on 04.06.2009 it is an arranged marriage. After the marriage, the dispute started between them and they lived separately. The second respondent/minor son was born on 23.03.2010. From the date of birth of the second respondent/minor son, the petitioner/husband had not taken any care of them and not helped. Therefore, the first respondent/wife was facing many problems for her needs and education of the second respondent/minor son. Hence, she filed a maintenance case in M.C.No.249 of 2017, in which she filed an application in CMP.No.149 of 2018 which was ordered by directing the petitioner to pay a sum of Rs.10,000/- each to the respondents. The amount is a normal amount. There is no reason to interfere with the impugned order. The petitioner being a husband is bound to maintain his wife and his children. Therefore, there is no merit in the criminal revision case and pleaded to dismiss the same.



Crl.R.C.No.714 of 2023

WEB COPY

5.I have considered the case in the light of the submissions made by the learned counsel for the petitioner as well as the learned counsel for the respondents.

6.On perusal of the records, the fact reveals that the petitioner is the husband of the first respondent and the father of the second respondent, who is the minor. The first respondent/wife filed a Maintenance Case in M.C.No.249 of 2017 before the Principal Judge, Family Court, Coimbatore, in which, the first respondent/wife filed an application in CMP.No.149 of 2018 for interim maintenance. This Court by an order dated 18.12.2019 in Crl.O.P.No.33959 of 2019 directed the learned Principal Judge, Family Court, Coimbatore, to dispose of the maintenance case in M.C.No.249 of 2017 as early as possible, preferably within a period of three months from the date of receipt of a copy of this order. Further, this Court by an order dated 07.12.2022 in Crl.O.P.No.25323 of 2022, directed the Principal Family Court Judge to dispose of CMP.No.149 of 2018 in M.C.No.249 of 2017 within a period of two weeks from the date of



CrI.R.C.No.714 of 2023

receipt of a copy of this order and also directed to expedite the disposal of M.C.No.249 of 2017. The learned Judge discussed the economical status of the first respondent/wife in para 8 & 9 of the impugned order. Further, it is noticed that in the impugned order para – 12 in D.V.No.16/2018 on the file of the Judicial Magistrate No.VI, Coimbatore, the first respondent/wife has been receiving a sum of Rs.5,000/- per month as interim maintenance for the last 10 months. Noting this fact, the trial Court ordered Rs.10,000/- to the first respondent/wife and Rs.10,000/- to the second respondent/minor son as their interim maintenance.

7.In view of the above, it will be reasonable that the interim maintenance of Rs.10,000/- awarded to the first respondent/wife by the family Court in CMP.No.149 of 2018 dated 29.12.2022 is reduced to Rs.5,000/- till the disposal of the main case, as she already received a sum of Rs.5,000/- as interim maintenance in D.V.No.16/2018. With regard to the second respondent/minor son, the interim maintenance of Rs.10,000/- is confirmed and it requires no interference.



Crl.R.C.No.714 of 2023

WEB COPY

8. In the result, the impugned order dated 29.12.2022 passed in CMP.No.149 of 2018 in M.C.No.249 of 2017 by the Principal Family Judge, Coimbatore, is hereby set aside with regard to the interim maintenance awarded to the first respondent/wife and the interim maintenance awarded to the first respondent/wife is hereby reduced from Rs.10,000/- to Rs.5,000/-. With regard to the interim maintenance awarded to the second respondent/minor son is confirmed. Accordingly, the criminal revision case is partly allowed and the trial court is directed to dispose of the case in M.C.No.249 of 2017 as directed by this Court in its earlier orders dated 18.12.2019 & 07.12.2022 in Crl.O.P.No.33959 of 2019 and Crl.O.P.No.25323 of 2022 respectively as early as possible. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

21.06.2023

To

1. The Principal Family Judge, Coimbatore.



WEB COPY



Crl.R.C.No.714 of 2023

V.SIVAGNANAM ,J.

sms

Pre-delivery order made in
Crl.R.C.No.714 of 2023
and
Crl.M.P.No.5602 of 2023

21.06.2023