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CRL.R.C.NO.785 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

CRL.R.C.NO.785 OF 2023

AND

CRL.MP.NO.6139 OF 2023

A.Devabalan

.. Petitioner

Vs.

1.D.Malathi

2.Head Master

Government Higher Secondary School
Anaikattu, Pavnjur Post,
Seeyur Taluk, Chengalpet District.

.. Respondents

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C., to call for the records and set-aside the order in C.M.P.No.15 of 2022 in M.C.No.26 of 2019 dated 28.02.2023 pending on the file of Family Court at Villupuram.

For Petitioner : Mr.T.V.G.Kartheeban



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ORDER

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This Criminal Revision Case has been filed challenging the order passed in C.M.P.No.15 of 2022 in M.C.No.26 of 2019 dated 28.02.2023 by the Family Court at Villupuram.

2.The marriage between the petitioner and the first respondent was solemnized on 09.02.2015 and they are blessed with one girl child on 10.12.2015. The first respondent filed a Maintenance Case in M.C.No.26 of 2019 before the Family Court, Villupuram, claiming a sum of Rs.10,000/- towards monthly maintenance and Rs.50,000/- towards medical and educational expenses. The said petition was allowed on 06.04.2022. Since the petitioner has not paid the arrears of maintenance and the maintenance ordered by the Family Court, Villupuram, the petitioner has filed a Miscellaneous Petition in CMP No.15 of 2022 and in the said petition, on 28.02.2023, it is ordered as follows:

" In the result, the respondent is directed to pay a sum of Rs.4,90,000/- to the petitioner towards arrears of maintenance and educational expenses for the period from



*06.06.2019 to 06.04.2022 on or before 05.04.2023, failing
which, orders will be passed for attachment of his salary.
Call on 06.04.2023."*

3.On perusal of the records, the fact reveals that no final order has been passed by the Family Court, Villupuram, in the Miscellaneous Petition filed by the first respondent and it was simply adjourned with a direction to pay the arrears of maintenance on or before 05.04.2023. Since no final order has been passed in C.M.P.No.15 of 2022 in M.C.No.26 of 2019, the present Criminal Revision Case is unsustainable and accordingly, the same stands dismissed. Consequently, connected miscellaneous petition is closed.

28.04.2023

TK

To

The Family Court Judge
Family Court
Villupuram.

V. SIVAGNANAM, J.

3/4



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