



Crl.R.C.No.994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.994 of 2023 and
Crl.M.P.No.8035 of 2023

P.Kaushik

.. Petitioner

Vs

M.Padmashree

... Respondent

Prayer: Criminal Revision Case filed under section 397 r/w.401 Cr.P.C. to set aside the order, dated 24.04.2023 passed in M.P.No.188 of 2023 in M.C.No.400 of 2022 on the file of the III Additional Principal Judge, Family Court at Chennai.

For Petitioner : Mr.Prakash Goklaney

For Respondent : Mr.N.Seshadri

ORDER

This Criminal Revision case has been filed challenging the order dated 24.04.2023 passed by the learned III Additional Principal Judge, Family Court, Chennai in M.P.No.188 of 2023 in M.C.No.400 of 2022 seeking interim maintenance.

2.The brief facts of the case are that the petitioner is the husband and the



Crl.R.C.No.994 of 2023

WEB COPY

respondent is the wife. The husband filed a petition in H.M.O.P.No.92 of 2021 before the Family Court, Chennai for divorce on the ground of non-consummation of marriage and the wife is having mental illness. During the pendency of the same, the wife filed a petition under section 125 of Cr.P.C., in M.C.No.400 of 2022 before the learned III Principal Judge, Family Court, Chennai, claiming maintenance. While these two petitions are pending, the wife filed another application in M,P.No.188 of 2023 in M.C.No.400 of 2022 before the learned III Additional Principal Judge, Family Court, Chennai, seeking interim maintenance. The learned Judge, after considering the materials on record, directed the husband to pay a sum of Rs.15,000/- towards interim maintenance to the wife from the date of filing the petition i.e., 10.02.2023 and also directed to pay future maintenance on or before 5th of every month. The said order has been challenged in this revision on the ground that the wife is having sufficient means to maintain her and there is no need to pay interim maintenance and the husband is ready to argue the main Maintenance case itself.

3. The learned counsel for the respondent wife submitted that the wife has claimed a sum of Rs.35,000/- as interim maintenance. But, the learned



Crl.R.C.No.994 of 2023

WEB COPY

Judge awarded only a sum of Rs.15,000/- which is very meager.

4. The learned counsel for the petitioner husband conceded that without prejudice to the Maintenance Case in M.C.No.400 of 2022, he is ready to pay Rs.10,000/- as interim maintenance till the disposal of M.C.No.400 of 2022. Further, the learned counsel made a request that the III Additional Principal Judge, Family Court at Chennai may be directed to dispose of M.C.No.400 of 2022 within two months.

5. The learned counsel for the respondent wife agreed with the said contention. However, the interim maintenance of Rs.10,000/- as agreed by the petitioner, to be paid immediately to the respondent/wife.

6. Considering the submission made by the learned counsel appearing on either side, the impugned order made in M.P.No.188 of 2023 passed by the III Additional Principal Judge, Family Court, Chennai, is set aside. The petitioner husband is directed to pay a sum of Rs.10,000/- per month as interim maintenance to the respondent wife from the date of petition i.e., 10.02.2023



Crl.R.C.No.994 of 2023

WEB COPY

till the disposal of M.C.No.400 of 2022. The amount of Rs.10,000/- for this month should be paid immediately and the arrears of the same to be paid within a week from the date of receipt of a copy of this order. The III Additional Principal Judge, Family Court, Chennai is directed to dispose of M.C.No.400 of 2022 within a period of two months from the date of receipt of a copy of this order.

With the above direction, this Criminal Revision is disposed of. Consequently, connected miscellaneous petition is closed.

20.06.2023

vum

Index: yes/no

Internet:yes/no

To

The III Additional Principal Judge,
Family Court, Chennai.

V. SIVAGNANAM, J.

vum



WEB COPY



Crl.R.C.No.994 of 2023

Crl.R.C.No.994 of 2023

20.06.2023

5/5