



Crl.R.C.No.1609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1609 of 2023

And

Crl.M.P.No.14985 of 2023

G.Arul Karthikeyan

... Petitioner

Vs.

1.Hema

2.Minor.Midun Karthi

Represented by Guardian/ Mother

Hema

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the order of maintenance passed by the learned Family Court Judge, Villupuram in C.M.P.No.114 of 2021 in M.C.No.37 of 2019 dated 22.11.2022.

For Petitioner : Mr.M.Rajkumar

ORDER

The criminal revision case has been filed seeking to set aside the order dated 22.11.2022 passed in C.M.P.No.114 of 2021 in M.C.No.37 of 2019 by the Family Court Judge, Villupuram.



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2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife and the second respondent is their son. The respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.37 of 2019 before the Family Court, Villupuram claiming maintenance of Rs.7,500/- per month for the first respondent, Rs.5,000/- per month for the second respondent, Rs.10,000/- per year for clothings and Rs.40,000/- per year for the educational expenses of the second respondent. The Court below passed an exparte order dated 02.11.2021 without hearing the petitioner, directing the petitioner to pay a sum of Rs.5,000/- as monthly maintenance from the date of filing of the petition and to pay a sum of Rs.20,000/- per year for the educational expenses of the second respondent. Thereafter, the petitioner filed C.M.P.No.114 of 2021 seeking to set aside the exparte order dated 02.11.2021 and the Court below passed an order dated 17.10.2022 directing the petitioner to pay a sum of Rs.1,50,000/- on or before 21.11.2022 to the respondents and observed to call the matter on 22.11.2022. On 22.11.2022, the Court below dismissed C.M.P.No.114 of 2021 for non-compliance of the conditional order. Challenging the same, the present revision has



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been filed.

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3.The learned counsel for the petitioner submitted that during the pendency of this revision, the petitioner deposited a sum of Rs.1,50,000/- and further submitted that the petitioner is ready to deposit another Rs.1,50,000/-, within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the Court below may be directed to restore the maintenance case on its file and allow the petitioner as well as the respondents to let in evidence and to pass appropriate orders on merits and in accordance with law.

4.Considering the submission made by the learned counsel appearing for the petitioner, this Court directs the petitioner to deposit a sum of Rs.1,50,000/- before the Court below, within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of the same, the Court below is directed to restore the maintenance case on its file and allow the petitioner as well as the respondents to let in evidence and thereafter pass appropriate orders on merits and in accordance with law.



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5.This revision is disposed of on the above terms. The petitioner

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M.DHANDAPANI,J.
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shall continue to pay a sum of Rs.10,000/- per month to the respondents towards maintenance on or before 7th of every succeeding English Calender Month till the disposal of the maintenance case that is to be restored. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Family Court Judge, Villupuram.

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