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Crl.R.C.No.1058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1058 of 2023

And

Crl.M.P.No.8466 of 2023

S.Sunil Raj

... Petitioner

Vs.

1.Arul Viji
2.Minor.Sam Milton
3.Minor.Cyril Tilton

Minors 2 and 3 rep. by their Mother
and Natural Guardian Mrs.Arul Viji

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 read with Section 401 of Criminal Procedure Code, seeking to call for the records in order dated 25.08.2022 in M.C.No.436 of 2014 on the file of learned VII Additional Judge, Family Court, Chennai and set aside the same.

For Petitioner : Mr.M.Vijayamehanath
For Respondents : Mr.K.Selvakumar

ORDER

The criminal revision case has been filed seeking to set aside



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the order dated 25.08.2022 in M.C.No.436 of 2014 on the file of the learned VII Additional Judge, Family Court, Chennai.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 13.04.2005 and out of the wedlock, they were blessed with respondents 2 and 3. Thereafter there was a matrimonial dispute between them and the petitioner filed O.P.No.3458 of 2014 under Section 10 (1) (ix) & (x) of the Divorce Act before the VII Additional Principal Family Court, Chennai seeking divorce and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.436 of 2014 before the VII Additional Family Court, Chennai seeking monthly maintenance of Rs.30,000/-.

3.M.C.No.436 of 2014 filed by the respondents was partly allowed and the Court below directed the petitioner to pay a sum of Rs.10,000/- to the first respondent and Rs.7,000/- each to the respondents 2 and 3 towards monthly maintenance from the date of the petition. Challenging the same, the present revision has been filed. O.P.No.3458 of 2014 filed by the petitioner was allowed on 22.12.2023 and the marriage solemnized between the petitioner and



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the first respondent on 13.04.2005 was dissolved and a decree of divorce was granted by the VII Additional Principal Family Court, Chennai.

4.The learned counsel for the petitioner submitted that the petitioner is ready to pay a sum of Rs.7,000/- each to the respondents 2 and 3 towards monthly maintenance, however, the petitioner need not pay any amount to the first respondent since the first respondent refused to live with the petitioner without sufficient reasons and divorce was also granted in O.P.No.3458 of 2014 by the VII Additional Principal Family Court, Chennai. In the event of this Court modifying the amount awarded by the Court below, this Court may grant liberty to the petitioner to file petition under Section 125 of Cr.P.C. in the manner known to law.

5.The learned counsel appearing for the respondents submitted that at present the first respondent is giving up the claim and further submitted that the amount of Rs.7,000/- each awarded to the respondents 2 and 3 is very meagre and this Court may consider enhancement of the amount in respect of the respondents 2 and 3.



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6.In response, the learned counsel for the petitioner submitted that the petitioner is ready to pay a sum of Rs.10,000/- each to the respondents 2 and 3 towards monthly maintenance and the petitioner also undertake to pay the entire educational expenditure of the respondents 2 and 3.

7.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

8.Considering the submissions made on either side and in view of the order dated 22.12.2023 passed in O.P.No.3458 of 2014 by the learned VII Additional Principal Judge, Chennai, the amount awarded in favour of the first respondent by the Court below in M.C.No.436 of 2014 is set aside. The petitioner is directed to deposit the entire arrears amount at the rate of Rs.20,000/- per month (Rs.10,000/- each to respondents 2 and 3), to the credit of M.C.No.436 of 2014 on the file of the learned VII Additional Judge, Family Court, Chennai, less the amount if any, already deposited, within a period of six weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.20,000/- per month to the respondents 2 and 3 towards maintenance on or before 7th of every



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succeeding English Calendar Month. After the petitioner deposits the entire arrears amount, the learned VII Additional Judge, Family Court, Chennai, is directed to disburse the entire amount to the first respondent. If in future, the order dated 22.12.2023 passed in O.P.No.3458 of 2014 by the learned VII Additional Principal Judge, Chennai, is modified by the appropriate forum, the petitioner is at liberty to file petition under Section 125 of Cr.P.C. in the manner known to law.

9.This criminal revision case is disposed of on the above terms. Consequently, the connected miscellaneous petition is closed.

10.04.2024

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

To

1.The VII Additional Judge, Family Court,
Chennai.



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