



CrI.RC.No.592 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CrI.RC.No.592 of 2023
and
CRL.MP.No.4386 of 2023

D.Dhanasekaran

.. Petitioner

Vs.

1. D.V.Samvrutha

2. D.V.Sashwat

1 and 2 minors

represented by their mother and natural guardian

A.K.Vijayalakshmi

... Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal
Procedure to set aside the order of the learned Additional Mahila Judge in
CrI.M.P.No.391 of 2022 in M.C.No.47 of 2021 dated 31.10.2022.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.R.Sanjay



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ORDER

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This Criminal Revision Case is filed to quash the order of the learned Additional Mahila Judge in Crl.M.P.No.391 of 2022 in M.C.No.47 of 2021 dated 31.10.2022.

2. The case of the petitioner is that, the marriage of the petitioner/husband and one Vijayalakshmi was solemnized on 05.12.2001 at Ramu Kalyana Mandapam, Venkatapuram, Chennai and the respondents were born from and out of the wedlock between the petitioner and said Vijayalakshmi. Due to misunderstanding, the petitioner and his wife are living separately. Thereafter, the wife of the petitioner filed divorce petition and a maintenance case under Section 125 of Cr.P.C. in M.C.No.47 of 2021 on the file of Mahila Court, Alandur, claiming total maintenance amount of Rs.1,00,000/- per month, in which, the said Vijayalakshmi and her children filed a petition in Crl.M.P.No.391 of 2022. After adjudication, the Trial Court awarded a sum of Rs.25,000/- p.m. to the wife and children of the petitioner. Aggrieved by the same, the present revision is filed by the petitioner/husband.



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3. The learned counsel for the petitioner/husband submits that admittedly the petitioner is taking care of the educational expenses of his children. He further submits that the petitioner is earning only a sum of Rs.48,050/- per month in which he also has to take care of his parents. He further submits that upon instructions, the petitioner is ready to pay a sum of Rs.20,000/- as interim maintenance to the respondents. Hence, he prayed that this Court may issue a direction to the Trial Court to conclude the main M.C. itself within a time frame that may be fixed by this Court.

4. The learned counsel appearing for the respondents submits that upon perusing the oral and documentary evidence the trial court has directed the petitioner to pay interim maintenance of a sum of Rs.25,000/- to the respondents which is just and reasonable and the same does not require any interference of this Court.

5. Heard the learned counsel appearing for the parties and perused the materials available on record.



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6. There is no dispute about the marriage between the petitioner and his wife. The respondents are the children of the petitioner. It is to be pointed out that it is the duty of the husband to maintain his wife and children and the comforts, which were available to the spouse and the children should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and children.

7. In view of the fair submissions made by the learned counsel appearing for the parties, the order passed by the Trial Court is modified as follows :-

(i) the petitioner/husband is directed to pay the arrears of maintenance amount at the rate of Rs.20,000/- per month to wife and children of the petitioner, less the amount, if any already paid by him, within a period of four (4) weeks from the date of receipt of a copy of this order;



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(ii) the petitioner/husband shall also continue to pay the above modified maintenance amount to the wife and children of the petitioner on or before the 5th day of every English Calendar month.

8. Upon receipt of necessary proof for payment of arrears amount, the Trial Court is directed to dispose of the maintenance case in M.C.No.47 of 2021 within a period of two months from the date of payment of arrears amount. The wife of the petitioner is permitted to produce all the necessary documents with regard to the income as well as the assets and liabilities of the petitioner/husband before the Trial Court.

9. Accordingly, the Criminal Revision Case is disposed of with the above terms. Consequently, the connected criminal miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

Additional Mahila Court, Alandur.

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M.DHANDAPANI, J.

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