



Crl.R.C.No.319 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.319 of 2024
and Crl.M.P.No.2964 of 2024

P.Koushik

... Petitioner

Vs.

M.Padmashree

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 (1) read with Section 401 of the Criminal Procedure Code, to set aside the order, dated 24.11.2023 passed in M.P.No.1283 of 2023 in M.P.No.188 of 2023 in M.C.No.400 of 2022 on the file of the learned III Additional Principal Family Court, Chennai.

For Petitioner : Mr.S.Surya
for M/s.A.S.Kailasam and Associates

For Respondent : Mr.N.Seshadri



Crl.R.C.No.319 of 2024

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ORDER

The Criminal Revision is filed, challenging the order, dated 24.11.2023 passed in M.P.No.1283 of 2023 in M.P.No.188 of 2023 in M.C.No.400 of 2022 by the III Additional Principal Family Court, Chennai.

2. The learned counsel appearing for the petitioner submits that the petitioner is the husband of the respondent and the marriage between them was solemnized in the year 2020. Due to matrimonial dispute, they are living separately. While so, the respondent filed a maintenance case in M.C.No.400 of 2022 before the III Additional Principal Family Court, Chennai, wherein, she filed a petition in M.P.No.188 of 2023 seeking interim maintenance and the trial Court allowed the petition directing the petitioner to pay a sum of Rs.15,000/- as interim maintenance from the date of filing the petition (i.e.,) 10.02.2023. Aggrieved over the same, the petitioner has filed a petition in Crl.R.C.No.994 of 2023 and this Court, vide order dated 20.06.2023, set aside the order dated 24.04.2023 passed in M.P.No.188 of 2023 in M.C.No.400 of 2022 and directed the petitioner to pay a sum of Rs.10,000/- per month as interim maintenance



Crl.R.C.No.319 of 2024

WEB COPY

from the date of petition (i.e.,) 10.02.2023 till the disposal of M.C.No.400 of 2022. Since the petitioner has no employment, he has filed a petition under Section 127 C.P.C, to recall the order dated 24.04.2023 passed in M.P.No.188 of 2023 in M.C.No.400 of 2022 for revising the future interim maintenance and taking into account his employment from the date of the petition and it was dismissed vide impugned order dated 24.11.2023. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submits that as on date, there is no arrear of interim maintenance as ordered by this Court in Crl.R.C.No.994 of 2023, however, the petitioner was terminated from his job and he has no source of income and he is depending on his parents. The trial Court, overlooking the above aspects, dismissed the petition filed by the petitioner seeking to recall the order dated 24.04.2023 passed in M.P.No.188 of 2023 for revising the future interim maintenance and taking into account his employment from the date of the petition. If the petitioner secures employment in future, liberty may be



Crl.R.C.No.319 of 2024

given to the respondent to file a petition for enhancement of interim maintenance.

4. The learned counsel appearing for the respondent submits that already interim maintenance awarded by the trial Court in M.P.No.188 of 2023 in M.C.No.400 of 2022 was modified by this Court in Crl.R.C.No.994 of 2023 vide order dated 20.06.2023 from Rs.15,000/- to Rs.10,000/- and there are arrears of interim maintenance to be paid by the petitioner. If at all the petitioner has any grievance, he has to file a petition before this Court for modification and not before the trial Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. A perusal of the records would show that the respondent filed a maintenance case in M.C.No.400 of 2022 seeking monthly maintenance of Rs.40,000/-, wherein, M.P.No.188 of 2023 was filed by her seeking interim maintenance of Rs.35,000/- and the trial Court, after



Crl.R.C.No.319 of 2024

WEB COPY

considering the materials available on record, has ordered interim maintenance of Rs.15,000/- per month to her, against which, the petitioner has filed a petition in Crl.R.C.No.994 of 2023 and this Court has modified the interim maintenance awarded by the trial Court from Rs.15,000/- to Rs.10,000/- vide order dated 20.06.2023. Despite the same, the petitioner has again filed M.P.No.1283 of 2023 before the trial Court to recall the order dated 24.04.2023 passed in M.P.No.188 of 2023 in M.C.No.400 of 2022 for revising the future interim maintenance and taking into account his employment from the date of petition and it was dismissed vide impugned order dated 24.12.2023 on the ground that the petitioner has suppressed the current financial status and cannot shirk his responsibilities to maintain his wife. The petitioner claims that he was terminated from job and he has no source of income, however, it is the duty cast on the husband to maintain his wife, as rightly stated by the trial Court. Even though this Court has modified the interim maintenance awarded by the trial Court from Rs.15,000/- to Rs.10,000/-, he has not paid the interim maintenance to the respondent and there are arrears of maintenance as evident from the learned counsel appearing for the



Crl.R.C.No.319 of 2024

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respondent. Hence, this Court is not inclined to interfere with the impugned order dated 24.11.2023 passed in M.P.No.1283 of 2023 in M.P.No.188 of 2023 in M.C.No.400 of 2022 by the III Additional Principal Family Court, Chennai. However, the petitioner is directed to deposit the entire arrears amount of interim maintenance, less than the amount already deposited, to the credit of M.C.No.400 of 2022 within a period of two weeks from the date of receipt of a copy of this order and on deposit of the entire arrears amount being made by the petitioner, the learned III Additional Principal Family Court, Chennai, is directed to dispose of M.C.No.400 of 2022 within a period of three months from the date of depositing the entire arrears amount. The petitioner shall continue to pay the interim maintenance of Rs.10,000/- as ordered by this Court in Crl.R.C.No.994 of 2023 vide order dated 20.06.2023 to the respondent on or before 7th of every succeeding English Calender month, till the disposal of M.C.No.400 of 2022.



Crl.R.C.No.319 of 2024

7. Accordingly, the Criminal Revision Case is dismissed.

Connected miscellaneous petition is closed.

24.07.2024

NCC: Yes/No

Index: Yes/No

Speaking/Non-Speaking order

ssb

To

The III Additional Principal Family Court, Chennai.



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Crl.R.C.No.319 of 2024

M.DHANDAPANI, J.

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Crl.R.C.No.319 of 2024

24.07.2024