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Crl.R.C.No.779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.779 of 2023
And
Crl.M.P.No.6016 of 2023**

A.Godwin

... Petitioner

Vs.

1.Joy Cartlin

2.Aldrik Winston

(Minor and is represented by his
Mother Joy Cartlin)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order passed in M.P.No.468 of 2022 in M.C.No.12 of 2018 dated 05.11.2022 on the file of the II Additional Family Court (FAC), Chennai by allowing this criminal revision petition.

For Petitioner : Mr.V.Ajoy Khose
for M/s.K.Kathiresan
For Respondents : Ms.R.Santhakumari

ORDER

The criminal revision case has been filed seeking to set aside the order dated 05.11.2022 passed in M.P.No.468 of 2022 in M.C.No.12 of

1/5



CrI.R.C.No.779 of 2023

2018 by the learned II Additional Family Court (FAC), Chennai.

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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. There was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.12 of 2018 before the learned II Additional Family Court (FAC), Chennai and along with it they also filed M.P.No.468 of 2022 claiming a sum of Rs.50,000/- per month towards interim maintenance and Rs.5,000/- for litigation expenses. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.23,000/- per month (Rs.15,000/- to the first respondent and Rs.8,000/- to the second respondent) towards interim maintenance from the date of filing of the petition i.e., 16.05.2022 and Rs.5,000/- towards litigation expenses. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the first respondent had filed domestic violence case in D.V.C.No.42 of 2015 before the XV Metropolitan Magistrate Court, George Town, Chennai in which, the learned XV Metropolitan Magistrate vide order dated 15.02.2019 directed the petitioner to pay monthly maintenance of



CrI.R.C.No.779 of 2023

Rs.5,000/- to the second respondent. Hence, the Court below directing the petitioner to pay a sum of Rs.23,000/- per month towards interim maintenance is highly excessive and further submitted that apart from the sum of Rs.5,000/- already being paid by the petitioner, the petitioner is ready to pay a sum of Rs.19,000/- towards monthly interim maintenance till the disposal of the maintenance case.

4.The learned counsel appearing for the respondents raise no serious objection, however prayed that this Court may issue direction to the Court below to dispose of the maintenance case within a time frame.

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

6.In view of the consent view expressed by the learned counsel appearing on either side, this Court directs the petitioner to deposit the entire arrears amount at the rate of Rs.19,000/- per month to the credit of M.C.No.12 of 2018 on the file of the II Additional Family Court (FAC), Chennai, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order



CrI.R.C.No.779 of 2023

and shall continue to pay a sum of Rs.19,000/- per month to the respondents towards interim maintenance on or before 7th of every succeeding English Calendar Month till the disposal of the maintenance case. The petitioner shall also continue to pay the monthly maintenance of Rs.5,000/- to the second respondent as ordered by the the learned XV Metropolitan Magistrate on 15.02.2019 in D.V.C.No.42 of 2015. After the petitioner deposits the entire arrears amount, the II Additional Family Court (FAC), Chennai, shall dispose of the maintenance case in M.C.No.12 of 2018, on merits and in accordance with law, within a period of three months from the date of deposit of the entire arrears amount.

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

04.04.2024

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

To

1.The II Additional Family Court (FAC), Chennai.

4/5



WEB COPY



Crl.R.C.No.779 of 2023

M.DHANDAPANI,J.
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Crl.R.C.No.779 of 2023
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