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Crl.RC No.1403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1403 of 2024

and

Crl.M.P.No.11825 of 2024

R.Elendevan Chandran Jeyabala ... Petitioner

Vs.

Minor Prince Pugal Maran
rep. by mother and natural guardian,
P.Muthuselvi ... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 r/w 401 of the Cr.P.C., to set aside the order dated 13.10.2023 made in M.C.No.149 of 2018 on the file of the 1st Additional Family Court at Chennai.

For Petitioner : Mr.K.R.Nishanth

For Respondent : Mr.M.R.Radhakrishnan

ORDER

The Criminal Revision Case has been filed challenging the order passed by the learned I Additional Principal Judge, Family Court, Chennai, directing the petitioner to pay a sum of Rs.20,000/- per month



to the respondent herein.

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2. The learned counsel for the petitioner on instructions fairly submits that he is not aggrieved by the direction to pay monthly maintenance; that since he had already paid substantial amount towards arrears of maintenance that should be taken into account while calculating the arrears of maintenance; that according to him, only a sum of Rs.5,40,000/- is due to the respondent towards arrears of maintenance; and that he is willing to pay the said sum to the respondent.

3. The learned counsel for the respondent would submit that the petitioner while calculating the arrears of maintenance has taken into account a sum of Rs.2 Lakhs deposited by him while he was granted anticipatory bail by this Court; that the said amount is still in Court deposit [Cr.No.21 of 2018 on the file of Additional Mahila Court, Madurai] and that amount cannot be treated as payment of arrears towards maintenance; that the other calculation in the memo filed by the petitioner is correct; and therefore submitted that the petitioner may be directed to pay Rs.7,40,000/- to the respondent.



4. On perusal of the memo filed by the petitioner which is not disputed by the respondent, admittedly Rs.5,40,000/- is due by the

petitioner. However, it is seen that the petitioner has taken into account a sum of Rs.2 Lakhs deposited by him to the credit of Cr.No.21 of 2018 on the file of Additional Mahila Court, Madurai, which he had done pursuant to the orders of this Court. This Court is of the view that the said deposit of Rs.2,00,000/- cannot be treated as payment to the respondent. Hence, the petitioner is directed to pay a sum of Rs.7,40,000/- [Rs.5,40,000/- + Rs.2,00,000/-] to the respondent within a period of six weeks from the date of receipt of the copy of this order.

5. At this juncture, the learned counsel for the petitioner submitted that he may be permitted to open a Fixed Deposit Account in the name of the respondent showing the mother as the guardian and deposit the aforesaid amount in the name of the respondent and handover the Fixed Deposit Receipt to the mother.

6. The suggestion of the petitioner is reasonable and the sum of Rs.7,40,000/-, is directed to be paid to the respondent, be deposited by



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the petitioner in the aforesaid manner. In the meanwhile, the respondent shall not pursue the Execution Petition.

7. With the above direction, the Criminal Revision Case stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

02.12.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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To

The I Additional Principal Judge,
Family Court, Chennai.



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SUNDER MOHAN, J.

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