



Crl.R.C.No.781 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.781 of 2023  
And  
Crl.M.P.No.6022 of 2023**

C.Varadharajulu

... Petitioner

Vs.

1.D.Nandhini  
2.Dayanth Sijioy (Minor)  
Rep. by Guardian Mother  
D.Nandhini

... Respondents

**Prayer:**

Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, seeking to set aside the order dated 24.01.2023 passed in M.P.No.313 of 2022 in M.C.No.338 of 2021 on the file of VII Additional Family Judge at Chennai by directing the petitioner/ husband to pay a sum of Rs.10,000/- to the first respondent/ wife and Rs.5,000/- to the second respondent (minor) totalling Rs.15,000/- (Rupees Fifteen Thousand only) every month from the date of petition namely 26.08.2021 till disposal of M.C.No.338 of 2021.

For Petitioner : Mr.M.I.Javid Akbar  
For Respondents : Mr.S.Jerald Lenin



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## **ORDER**

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The criminal revision case has been filed seeking to set aside the order dated 24.01.2023 passed by the learned VII Additional Family Judge at Chennai in M.P.No.313 of 2022 in M.C.No.338 of 2021.

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 30.01.2020 and out of the wedlock, they were blessed with the second respondent. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.338 of 2021 before the VII Additional Family Judge at Chennai and along with it, the respondents filed M.P.No.313 of 2022 seeking monthly interim maintenance of Rs.35,000/-. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.10,000/- to the first respondent and Rs.5,000/- to the second respondent towards interim monthly maintenance from the date of the petition i.e., 26.08.2021. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the petitioner is working as sweeper in Central Government and earn only



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a sum of Rs.23,000/- per month. Hence, the impugned order directing the petitioner to pay a sum of Rs.15,000/- towards interim monthly maintenance is not sustainable. The learned counsel further submitted that the petitioner is ready to pay a sum of Rs.11,000/- towards interim monthly maintenance and prayed this Court to issue direction to the Court below to dispose of the main maintenance case within a time frame.

4.The learned counsel appearing for the respondents raised no serious objection.

5.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.11,000/- per month, to the credit of M.C.No.338 of 2021 on the file of the learned VII Additional Family Judge at 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.11,000/- per month to the respondents towards interim maintenance on or before 7<sup>th</sup> of every succeeding English Calender Month till the disposal of the maintenance case. After the petitioner deposits the entire arrears



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**M.DHANDAPANI,J.**  
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amount, the VII Additional Family Court at Chennai, shall dispose of the maintenance case in M.C.No.338 of 2021, on merits and in accordance with law, within a period of three months thereafter.

6.With the above modification, this criminal revision case is disposed of. 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 VII Additional Family Court at Chennai.

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