



Crl.R.C.No.1189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.1189 of 2023

N.C.V.Aiswarrya

... Petitioner

Vs.

A.S.Saravana Karthik Sha

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to enhance the monthly interim maintenance amount of sum of Rs.50,000/- instead of Rs.7,500/- against the order passed by II Additional Family Court, Chennai in M.P.No.1259 of 2022 in M.C.No.344 of 2021 dated 28.03.2023.

For Petitioner : Mr.N.Lokesh Raj

For Respondent : Mr.Adinarayana Rao

ORDER

This Criminal Revision Case is filed against the order of the II Additional Family Court, Chennai dated 28.03.2023 in M.P.No.1259 of 2022 in M.C.No.344 of 2021.



Crl.R.C.No.1189 of 2023

2. The case of the petitioner is that, the marriage of the petitioner/wife and the respondent/husband was solemnized on 05.03.2020 as per Hindu Rites and Customs at Kanna Mahal, Anna Salai, Vellore Town and no child was born from and out of the wedlock between the petitioner and the respondent. Due to misunderstanding, the petitioner and the respondent are living separately. Thereafter, the respondent filed a petition for divorce in O.P.No.125 of 2020 before the Vellore Court and the petitioner filed a petition for Restitution of Conjugal Rights in H.M.O.P.No.1741 of 2021 before the Family Court, Chennai. In the meanwhile, the petitioner filed a maintenance case under Section 125 of Cr.P.C. in M.C.No.344 of 2021 on the file of Principal Family Judge, Chennai, claiming monthly maintenance of Rs.1,00,000/- to the petitioner and in which, the petitioner also filed a petition in M.P.No.1259 of 2022 in M.C.No.344 of 2021 claiming interim monthly maintenance of Rs.50,000/- to the petitioner. After adjudication, the Trial Court, by its order dated 28.03.2023 partly allowed the M.P., directing the respondent/husband to pay a sum of Rs.7,500/- p.m. to the petitioner/wife. Not satisfied with the same, the petitioner/wife has preferred the present revision before this Court seeking enhancement.



Crl.R.C.No.1189 of 2023

3. The learned counsel appearing for the petitioner submitted that, though the petitioner/wife not marked any documents with regard to earning of the respondent/husband, however, the interim maintenance ordered by the Trial Court is on the lower side, which needs to be enhanced. Accordingly, he prays for appropriate enhancement in favour of the petitioner.

4. Per contra, the learned counsel appearing for the respondent submitted that, in the absence of any income proof or assets of the respondent, the Trial Court ordered a sum of Rs.7,500/- as interim maintenance in favour of the petitioner/wife. Therefore, he submitted 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 and permit the parties to produce documents with regard to the income of the respondent.

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



Crl.R.C.No.1189 of 2023

6. There is no dispute about the marriage between the petitioner and the respondent. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the interim maintenance order passed by the Trial Court. Accordingly, the order passed by the II Additional Family Court, Chennai dated 28.03.2023 in M.P.No.1259 of 2022 in M.C.No.344 of 2021 is confirmed. Further, the Trial Court is directed to dispose of the maintenance case in M.C.No.344 of 2021 within a period of five months from the date of receipt of a copy of this order and the petitioner/wife is directed to produce the necessary documents with regard to the income as well as the assets of the respondent/husband before the Trial Court.

7. With the above terms, the Criminal Revision Case is disposed of.

08.04.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
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To

The II Additional Family Court, Chennai.



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Crl.R.C.No.1189 of 2023

M.DHANDAPANI, J.

sp

Crl.R.C.No.1189 of 2023

08.04.2024