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Crl.RC.No.2016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.RC.No.2016 of 2023
and Crl.MP.No.18619 of 2023

P.Suresh

... Petitioner

Vs.

Ambika

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 of the Code of Criminal Procedure, to set aside the impugned order dated 05.01.2023 passed in M.P.No.420 of 2022 in pending M.C.No.453 of 2019 on the file of the learned V Additional Principal Judge, Family Court at Chennai.

For Petitioner : Ms. S.K.Inthu

For Respondent : Mr.S.Muralikrishnan



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ORDER

This criminal revision petition is filed to set aside the impugned order dated 05.01.2023 passed in M.P.No.420 of 2022 in M.C.No.453 of 2019 on the file of the learned V Additional Principal Judge, Family Court at Chennai.

2.The contention of the learned counsel for the petitioner is that the petitioner is the estranged husband of the respondent who is suffering at the hands of the respondent. The marriage between the petitioner and the respondent held in the year 2014 and the respondent left her matrimonial house in the year 2017 to pursue her further education, thereafter she had not returned back. The petitioner met with an accident in the year 2019 and suffered spinal injury. Thereafter, the family members called the respondent to join her husband to take care of him but she refused. The petitioner purchased a housing plot in Bangalore in the year 2012 and put up construction. The contention raised by the respondent is that the petitioner was employed in a Software Company earning a salary of Rs.1,50,000/-, he



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is having Omni Bus business and receiving Rs.50,000/-, rental income of Rs.20,000/- and receiving income of Rs.50,000/- from coconut groves. She would submit that prior to accident the petitioner was employed in a Software Company but after the accident, he is unable to sit continuously for hours and do any work, hence he is now jobless. Further, the Omni Bus business is that of his uncle and not of the petitioner. Likewise, the coconut groves is a family property from which petitioner not receiving any income. She further submitted that the petitioner from his money put up construction of four portions in the property at Bangalore, out of which, the petitioner is residing in one portion and the respondent took control of the balance three portion, let out the same for rent and receiving huge amount as rental income. She further submitted that the petitioner is receiving only Rs.20,000/- in which he has to pay LIC Housing EMI of around Rs.17,000/- and with meagre income and support from his parents, the petitioner is surviving. On the other hand, it is the respondent who is receiving more than Rs.50,000/- as rental income from the property of the petitioner. She would further submit that the petitioner is now suffering at the hands of the respondent which the Trial Court failed to consider.



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the merits of the case and the rival contentions of both the parties direct both the petitioner and the respondent to produce the documents and raise the contentions before the Trial Court in both the cases with liberty to the other party to raise objections countering the same. The learned V Additional Principal Judge, Family Court, Chennai is directed to conclude the trial in the maintenance case in M.C.No.453 of 2019 and the divorce case in H.M.O.P.NO.575 of 2021 within a period of four months from the date of receipt of a copy of this order. It is made clear that this time of four months is only an outer limit and no further extension would be granted.

7.With the above direction, the criminal revision petition stands disposed of. Consequently, connected miscellaneous petition is closed.

19.02.2024

cse

To

The V Additional Principal Judge,
Family Court at Chennai.



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M.NIRMAL KUMAR, J.

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