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CrI.R.C.No.1557 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

CrI.R.C.No.1557 of 2023

and

CrI.M.P.No.14322 of 2023

V.S.Tharun Kumar

... Petitioner

Vs.

1.Ashwini Ravi Sagar

2.Master Ahrav T

C/o.Ms.Ashwini Ravi Sagar

... Respondents

Prayer : Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, praying to set aside the interim-order dated 07.03.2023 passed in C.R.M.P.No.1056 of 2022 in M.C.No.330 of 2022 on the file of learned IV Additional Family Court at Chennai by allowing the present revision.

For Petitioner : Ms.Roshini Ravikumar

For Respondents : Mr.S.Vinod



CrI.R.C.No.1557 of 2023

ORDER

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This Criminal Revision Case is filed against the order of the learned IV Additional Family Court at Chennai, dated 07.03.2023 in C.R.M.P.No.1056 of 2022 in M.C.No.330 of 2022.

2. The case of the petitioner is that, the marriage of the petitioner/husband and the first respondent/wife was solemnized on 02.06.2014 at Raja Muthiah Hall in Egmore, Chennai and the second respondent/son was born from and out of the wedlock between the petitioner and the first respondent. Due to misunderstanding, the petitioner and the first respondent are living separately. Thereafter, the 1st respondent filed divorce petition and a maintenance case under Section 125 of Cr.P.C. in M.C.No.330 of 2022 on the file of Additional Family Court, Chennai, claiming total maintenance amount of Rs.40,000/- per month, in which, the 1st respondent filed a petition in C.R.M.P.No.1056 of 2022, claiming a sum of Rs.10,000/- p.m. to the 1st respondent and Rs.15,000/- p.m. to the 2nd respondent as interim maintenance. After adjudication, the Trial Court awarded a sum of Rs.5,000/- p.m. to the 1st respondent and Rs.7,000/- p.m. to the 2nd respondent. Aggrieved by the same, the present revision is filed by the petitioner/husband.



3. The learned counsel appearing for the petitioner submitted that, the 1st respondent was working in a reputed company and earning a sum of Rs.70,000/- p.m., whereas the petitioner was employed in a private company and earning a sum of Rs.50,000/- p.m. When the petitioner/husband was earning a lower income than the 1st respondent/wife, forcing him to pay the interim maintenance to the 1st respondent is not sustainable, however, the petitioner is ready to pay the interim maintenance to the 2nd respondent. Accordingly, he prays for appropriate orders.

4. The learned counsel appearing for the respondents submitted that the 1st respondent is ready to forego her interim maintenance from the petitioner as ordered in C.R.M.P.No.1056 of 2022 in M.C.No.330 of 2022, however, this Court may enhance the interim maintenance amount in favour of the 2nd respondent. Further, this Court may permit the 1st respondent to produce all the documents relating to income and assets and liabilities of the petitioner before the Trial Court, where the M.C. is pending and this Court may also direct the Trial Court to dispose of the M.C. within a reasonable time, in which, the 1st respondent is entitled to maintenance from the petitioner.



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

6. There is no dispute about the marriage between the petitioner and the first respondent. The first respondent is the wife and the second respondent is the son of the petitioner. It is to be pointed out that it is the duty of the husband to maintain his wife and child and the comforts, which were available to the spouse and child should not be lost due to the friction between the warring parties. Only to that end, Section 125 Cr.P.C. was brought into the statute. In such a backdrop, it becomes the duty of the husband to maintain his wife and child.

7. In view of the fair submissions made by the learned counsel appearing for the parties, the order passed by the Trial Court is modified as follows :-

(i) the petitioner is directed to pay a sum of Rs.10,000/- per month to the 2nd respondent as interim maintenance, which amount is to be credited of bank account of the 1st respondent on or before 7th of every English calender month;



Crl.R.C.No.1557 of 2023

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(ii) the petitioner is also directed to pay the school fees, dress fees and other education fees as and when demanded by the school authority.

8. Further, the Trial Court is directed to dispose of the maintenance case in M.C.No.330 of 2022 as expeditiously as possible and the 1st respondent/wife is permitted to produce all the necessary documents with regard to the income as well as the assets and liabilities of the petitioner/husband before the Trial Court.

9. Accordingly, the Criminal Revision Case is allowed with the above terms. Consequently, the connected criminal miscellaneous petition is closed.

08.04.2024

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

To

The IV Additional Family Court at Chennai.



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Crl.R.C.No.1557 of 2023

M.DHANDAPANI, J.

sp

Crl.R.C.No.1557 of 2023

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