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CrI.R.C.No.768 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 09.07.2024**

**CORAM**

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

**CrI.R.C.No.768 of 2021**

T.John Peter

... Petitioner

Vs.

1.T.P.Reena

2.Minor.J.R.Keziya

Rep. by her Mother and Natural Guardian

T.P.Reena

... Respondents

**Prayer:**

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the order passed by the learned V Additional Family Court Judge, Chennai in M.P.No.81 of 2021 in M.C.No.110 of 2016 dated 23.04.2021 and allow the criminal revision.

For Petitioner : M/s.N.Poovanalingam

For Respondents : Mr.K.S.Kumar

for M/s.K.M.Valsala Kumari

**ORDER**

This criminal revision has been filed seeking to set aside the order dated 23.04.2021 passed by the learned V Additional Family Court Judge, Chennai in M.P.No.81 of 2021 in M.C.No.110 of 2016.



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2.The facts of the case is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 29.05.1998 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.110 of 2016 before the V Additional Family Court, Chennai, seeking monthly maintenance of Rs.75,000/- and an exparte order was passed on 25.01.2021 directing the petitioner to pay a sum of Rs.55,000/- (Rs.30,000/- to the first respondent and Rs.25,000/- to the second respondent) as monthly maintenance. Thereafter, the petitioner filed petition under Section 126(2) of Cr.P.C. in M.P.No.81 of 2021 in M.C.No.110 of 2016 seeking to set aside the exparte order, however, that petition was dismissed. Challenging the same, the present revision has been filed.

3.The learned counsel appearing for the petitioner submitted that the Court below passed an exparte order without giving opportunity to the petitioner and further submitted that there must be adjudication with regard to the claim made by the respondents and without proper adjudication, directing the petitioner to pay maintenance is not sustainable one.



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4.The learned counsel appearing for the respondents submitted that the petitioner is working as H.O.D. of ISE Department in Sai Shambarm Engineering College, Bangalore and drawing a salary of Rs.2 Lakhs per month. Hence, the amount awarded towards monthly maintenance by the Court below is just and reasonable.

5.The learned counsel appearing for the respondents, on instructions, further submitted that this Court may fix a reasonable amount and direct the respondent to pay the same towards monthly interim maintenance and if the petitioner agrees to pay the same, may issue direction to the Court below to restore the maintenance case on file and to dispose of the same within a time frame, after providing opportunity to the petitioner and the respondents.

6.The learned counsel appearing for the petitioner raise no serious objection, however, seeks three months time for depositing the arrears amount.

7.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.



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8. In view of the consent view expressed by the learned counsel appearing on either side, the order dated 23.04.2021 made in M.P.No.81 of 2021 in M.C.No.110 of 2016 by the learned V Additional Family Court Judge, Chennai, is set aside on the following terms:

(i) The petitioner is directed to deposit the entire arrears amount at the rate of Rs.30,000/- per month from the date of petition in M.C.No.110 of 2016 to till date (09.07.2024) to the credit of M.C.No.110 of 2016 on the file of the learned V Additional Family Court Judge, Chennai, less the amount already deposited, if any, within a period of three months from the date of receipt of a copy of this order.

(ii) After the petitioner deposits the entire arrears amount as modified by this Court, the learned V Additional Family Court Judge, Chennai, shall restore M.C.No.110 of 2016 on its file and shall dispose of the maintenance case in M.C.No.110 of 2016, on merits and in accordance with law and after providing opportunity to the petitioner as well as the respondents, within a period of five months from the date of deposit of the entire arrears amount.



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(iii)The petitioner shall continue to pay a sum of Rs.30,000/- per month to the respondents as interim maintenance on or before 7<sup>th</sup> of every succeeding English Calender Month till the disposal of the maintenance case.

9.This revision is disposed of on the above terms.

**09.07.2024**

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Index: Yes/ No  
Speaking Order: Yes/ No  
NCC: Yes/ No

To

1.The V Additional Family Court Judge,  
Chennai.



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**M.DHANDAPANI,J.**  
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