



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2024

Coram:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**Crl.R.C.No.1838 of 2024
and Crl.M.P.No.15119 of 2024**

H.Mohammed Shabeer Ali

...Petitioner

Versus

1.A.Arshiya Zaithoon

2.S.Muhammed Zameem Ali (Minor), Aged 3 ¾ years,
Rep. by her mother Mrs.Arshiya Zaithoon

...Respondents

This Criminal Revision Case is filed under Section 438 r/w. Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to set aside the order passed by the learned VI Additional Family Judge, Chennai dated 17.05.2024 in M.P.No.1602 of 2023 in M.C.No.478 of 2023.

For Petitioner : Mr.M.Sarfudeen Ali Ahamed

For Respondents : Mr.N.Saravanan



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ORDER

The present Criminal Revision Case has been filed challenging the order dated 17.05.2024 in M.P.No.1602 of 2023 in M.C.No.478 of 2023 passed by the learned VI Additional Principal Judge, Family Court, Chennai, directing the petitioner to pay a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the respondents herein towards their monthly interim maintenance, pending disposal of M.C.No.478 of 2023.

2. The learned counsel for the petitioner submitted that he is working as a Manager in the Medical Shop run by his mother and his monthly income is Rs.25,800/-. He further submitted that the amount which was fixed as monthly interim maintenance to be paid by the petitioner to the respondents is exorbitant and hence, the same may be modified.

3. Mr.N.Saravanan, learned counsel takes notice for the respondents and submitted that as against the respondents' claim of Rs.1,50,000/- as



interim maintenance, an amount of Rs.35,000/- fixed as monthly interim maintenance by the learned Judge is on the lower side and that the respondents are entitled to more maintenance. Hence, the learned counsel prayed for dismissal of this Criminal Revision Case.

4. Heard the learned counsel on either side and perused the materials placed before this Court.

5. This Court finds that the parties have filed their Affidavit of Assets before the learned Judge and the case in M.C.No.478 of 2023 is pending disposal and the same is posted for examination of witnesses. The trial Court had rightly held in its findings that the Bank Statement of the petitioner reveals that there is a credit transaction of more than Rs.1,15,000/- every month and hence, the claim of the petitioner that he is earning only Rs.25,800/- as monthly income, cannot be accepted. This Court finds no infirmity in the said finding of the trial Court. Hence, the order of the Family Court has to be confirmed.



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6. Since the case in M.C.No.478 of 2023 is pending trial, the trial Court may dispose of the M.C.No.478 of 2023 as expeditiously as possible, within three months from the date of receipt of a copy of this order. The petitioner is directed to pay the arrears of interim maintenance to the respondents, within a period of four weeks from the date of this order.

7. In the result, this Criminal Revision Case is dismissed and the order dated 17.05.2024 in M.P.No.1602 of 2023 in M.C.No.478 of 2023 passed by the learned VI Additional Principal Judge, Family Court, Chennai is confirmed. Consequently, connected miscellaneous petition is closed.

06.11.2024

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Index: Yes/No
Speaking Order (or) Non-Speaking Order

To

1.The VI Additional Family Judge,
Chennai.

2.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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