



WEB COPY



Crl.R.C.No.1734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1734 of 2023 and
Crl.M.P.No.16543 of 2023

S.Sreenivasan

... Petitioner

Vs.

1.J.Saradha,
W/o.Srinivasan.

2.S.Tharunvinayak, (Minor),
S/o.Srinivasan, Rep. by Natural Guardian and mother of the 1st respondent
both are residing at
No.19/19, Kumaran Colony 8th Street,
Vadapalani,
Chennai – 600 026.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of Criminal Procedure Code, to call for the records in MP.No.710/2023 in MC.No.305/2020 on the file of the Vth Additional Family Court, Chennai, and set aside the said order dated 16.08.2023.

For Petitioner : Mr.B.Premanadhan
For Respondents : Mr.R.Kannan

ORDER

Challenging the impugned order, dated 16.08.2023 in M.P.No.710 of 2023 in M.C.No.305 of 2020 passed by the learned III Additional Principal



Judge, V Additional Family Court (FAC), Chennai, this Criminal Revision Case has been filed.

2.This Court *vide* order, dated 21.12.2023 passed the following order:

“This Court, by order, dated 20.11.2023 passed the following order:

“This Criminal Revision Case has been filed to set aside the order, dated 16.08.2023 in M.P.No.710 of 2023 in M.C.No.305 of 2020 passed by the learned III Additional Principal Judge, Chennai.

2.Both the learned counsel for the petitioner and the learned counsel for the respondents agreed to proceed with the Maintenance Case which is pending before the learned III Additional Principal Judge, Chennai.

3.The learned counsel for the petitioner submitted that by an exparte order, the petitioner was directed to pay a sum of Rs.11,20,000/-. When the petitioner filed setting aside petition, the lower Court ordered the petitioner to pay 50% of the same, which is Rs.5,60,000/-. Aggrieved over the same, the present Criminal Revision Case is filed. He further submitted that the petitioner is jobless, due to the act of the 1st respondent who had sent petitions to the employer and he was removed from his job. The learned counsel for the petitioner produced the bank statement of the petitioner to



show it is the income of his father which is remitted in the petitioner's account. The petitioner is taking care of his parents and this amount is being utilized for their welfare and it is not the petitioner's income. The respondent is placing reliance on the petitioner's father income and, making huge claim. He further submitted that apart from the Maintenance Case, a Domestic Violence case is pending against the petitioner. The petitioner has got a good case on merits. The petitioner is aware that the respondents are his wife and minor son and he is duty bound to maintain them. To show his bonafide, he is ready to remit Rs.3,00,000/- in the lower Court, but he seeks four weeks time.

4.The learned counsel for the respondents though reluctant to accept the proposal, considering the maintenance case is pending before the lower Court due to the pendency of this revision, she is agreeable to the same, but four weeks is too longer period and the 1st respondent has to pay school fee for the 2nd respondent/minor son. She is agreeable to receive Rs.3,00,000/- for the present, but with condition that the petitioner not to further delay and protract the proceedings before the Court below.

5.The learned counsel for the petitioner submitted that he would pay Rs.1,50,000/- within a period of two weeks from today and another Rs.1,50,000/- would be paid two weeks thereafter. It was agreeable for the learned counsel for the respondents.



Crl.R.C.No.1734 of 2023

6.In view of the same, the petitioner is directed to pay Rs.1,50,000/- before the lower Court and report to this Court on 04.12.2023.

7.Post the matter on 04.12.2023.”

2.In continuation and conjunction to the above order, this Court is passing the following order.

3.The learned counsel for the petitioner submitted that though the demand draft for Rs.1,50,000/- was taken as early as on 30.11.2023, it could not be handed over to the respondent due to rain and flood. Today, he handed over the demand draft to the learned counsel for the respondent and he seeks two weeks time to pay the balance amount of Rs.1,50,000/-.

4.The learned counsel for the respondents received the demand draft handed over by the learned counsel for the petitioner.

5.In view of the above, the petitioner is directed to pay the balance amount of Rs.1,50,000/- to the respondent on or before 04.01.2024.



WEB COPY



Crl.R.C.No.1734 of 2023

6.Post the matter on 04.01.2024 for reporting compliance.”

3.In continuation and conjunction with the above order, dated 21.12.2023, this Court is passing the following order.

4.The learned counsel for the respondents submitted that yesterday i.e., on 03.01.2024, the balance amount of Rs.1,50,000/- paid by the petitioner and the same was received by the respondents. In total, the respondents received Rs.3,00,000/- from the petitioner.

5.Today, both the learned counsel for the petitioner and the respondents undertake that the parties will cooperate with the maintenance case and they would not further delay or precipitate the matter in any manner.

6.In view of the same, the impugned order, dated 16.08.2023 in M.P.No.710 of 2023 in M.C.No.305 of 2020 passed by the learned III Additional Principal Judge, V Additional Family Court (FAC), Chennai is



set aside and the order, dated 26.03.2021 in M.C.No.305 of 2020 passed by the learned V Additional Principal Judge, V Additional Family Court, Chennai is also set aside. Accordingly, this Criminal Revision Case is allowed with the following directions.

(i)The petitioner and the respondents to cooperate with the maintenance case in M.C.No.305 of 2020 pending on the file of the V Additional Principal Judge, V Additional Family Court, Chennai.

(ii)The learned V Additional Principle Judge, V Additional Family Court, Chennai is directed to complete the maintenance case in M.C.No.305 of 2020 preferably within a period of three months from the date of receipt of a copy of this order.

(iii)The petitioner is directed to pay the interim maintenance of Rs.20,000/- to the respondents till the disposal of the maintenance case in M.C.No.305 of 2020 subject to the 1st respondent bringing the 2nd respondent/Minor.S.Tharunvinayak in Vijaya Forum Mall, Vadapalani,



CrI.R.C.No.1734 of 2023

Chennai on the 1st and 4th Sunday of every month between 03.00 p.m., and 06.00 p.m., and permit the petitioner to spend time together with the minor son/2nd respondent without hindrance. This interim arrangement is only till the disposal of the maintenance case or any other order of the learned V Additional Principal Judge, V Additional Family Court, Chennai. The connected Miscellaneous Petition is closed.

04.01.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No

vv2

Note: Issue Order Copy on 04.01.2024.

To

The V Additional Principal Judge,
V Additional Family Court, Chennai.



WEB COPY



Crl.R.C.No.1734 of 2023

M.NIRMAL KUMAR, J.

vv2

Crl.R.C.No.1734 of 2023

04.01.2024