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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.814 of 2024

1. Shobha

2. Minor Shreyas

Rep. By guardian and mother

... Petitioners

-Vs-

K.R.Pradeep Kumar

... Respondent

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order passed in CMP. No.29 of 2022 in MC.No.3 of 2020 on the file of the learned Principal Family Judge, Coimbatore and allow the claim of the revision petitioners for interim maintenance as prayed for in CMP. No.29/2022 in MC.No.3 of 2020.

For petitioners : Ms.S.Pooja Shree

ORDER

The Criminal Revision is filed against the order passed in CMP. No.29 of 2022 in MC.No.3 of 2020 on the file of the learned Principal Family Judge, Coimbatore and allow the claim of the revision petitioners for interim maintenance as prayed for in CMP. No.29/2022 in MC.No.3 of 2020.



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2. It is the case of the petitioners that the marriage between the first petitioner and the respondent was solemnised on 14.09.2008 and out of the wedlock, a male child was born. Since there was a family dispute among them, the first petitioner was driven to her parental abode along with her son. Therefore, seeking maintenance at the hands of the respondent, the petitioners filed a maintenance case before the Family Court, Coimbatore, claiming maintenance for a sum of Rs.15,000/- per month to the first petitioner and Rs.15,000/- per month to the second petitioner, which was taken on file in MC.No.3 of 2020. Thereafter, the petitioners filed a petition for interim maintenance. The Family Court, based on the oral and documentary evidence, dismissed the petition in respect of the first petitioner as she is working in PSG College of Technology and awarded a sum of Rs.5,000/- per month to the second petitioner. Aggrieved by the said order, the present revision has been filed.

3. Learned counsel appearing for the revision petitioners submitted that the respondent has made a false allegation against the first petitioner before the Family Court and the respondent has not filed his assets and liability before the



trial Court. The respondent was working in Saudi Arabia and earning Rs.3,00,000/- per month. After filing the interim maintenance case, the respondent has resigned his job in abroad. The Family Court has not given sufficient time to the first petitioner to prove the employment of the respondent, but based on Ex.R2 appointment order has fixed the maintenance, which is erroneous and very low. Despite having sufficient means, the respondent has neglected to maintain his wife and child. Learned counsel further submitted that without going into the merits of the case, this Court may direct the learned Judge, Family Court, to consider and pass final orders in the maintenance case, within a reasonable time as fixed by this Court.

4. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing for the petitioner and perused the materials available on record. Though notice has been served to the respondent, there is no representation on his behalf. Since no adverse orders are passed, notice to the respondent is dispensed with. Considering the pendency of the case, this Court is inclined to dispose the case based on the available records.

5. Considering the limited request sought for by the petitioner, this



Court, without going into the merits of the case, directs the learned Judge, Family Court to consider the maintenance case and pass final orders on merits within a period of five months from the date of receipt of a copy of this order, after providing opportunity to the parties.

6. With the above directions, the Criminal Revision case is disposed of.

04.06.2024

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To
The Principal Family Judge, Coimbatore.



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M.DHANDAPANI,J.

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