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Crl.R.C.No.1843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1843 of 2024
and
Crl.M.P.No.15148 of 2024

K.Elangovan @ Perianayagam

... Petitioner

Vs.

1.J.Maria Nancy

2.Minor Jeeva Nancy

Represented by her mother natural
Guardian Mrs.J.Maria Nancy

... Respondents

Prayer: Criminal Revision Petition filed under Sections 438 and 442 of BNSS, praying to set aside the order passed in M.P.No.432 of 2024 in M.C.No.293 of 2023 on the file of Hon'ble VII Additional Principal Family Court, Chennai dated 09.08.2024.

For Petitioner : Mr.M.K.Bhoopathy Rajan

For Respondents : Mr.F.Wellington

ORDER

The revision challenges the order passed by the learned VII Additional Principal Family Court, Chennai in a petition for interim maintenance



directing the petitioner to pay a sum of Rs.10,000/- and Rs.5,000/- per month to the respondents 1 and 2, respectively.

2.The learned counsel for the petitioner would submit that the petitioner is now earning a salary of Rs.35,000/- per month and has to take care of his old mother, who is suffering from ailments; that the first respondent had taken the 45 sovereigns of gold jewels and cash of Rs.1,50,000/- when she left the matrimonial home and that the first respondent is living in adultery.

3.The learned counsel for respondents per contra submitted that the maintenance case is now listed for trial before the Court; that the petitioner in his affidavit of Assets and Liabilities, had stated that he is self employed, and earning between Rs.30,000/- to Rs.75,000/- per month and that in his counter he had made a false statement that he is working in a company and hence, the revision is liable to be dismissed. Learned counsel would further submit that the direction to pay Rs.10,000/- and Rs.5,000/- to the respondents is reasonable and no interference is called for.



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4.From the impugned order, it is seen that the direction to the petitioner to pay Rs.10,000/- and Rs.5,000/-, respectively, to the respondents is reasonable and cannot be faulted. Therefore, the impugned order is confirmed and the revision is liable to be dismissed. However, it is seen that pursuant to the direction of this Court, the petitioner has already paid Rs.50,000/- to the credit of M.P.No.432 of 2024 in M.C.No.293 of 2023 towards arrears of maintenance. The petitioner shall continue to pay Rs.15,000/- as directed by the trial Court. As regards the arrears, a sum of Rs.50,000/- paid by the petitioner shall be adjusted towards the maintenance, if any ordered in the main M.C. petition.

5.With the above directions, the Criminal Revision Case stands dismissed. Consequently, connected criminal miscellaneous petition is closed.

10.12.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

rsi

To

1.The VII Additional Principal Judge,
Family Court, Chennai.

2.The Public Prosecutor,
High Court, Madras.

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