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CrI.R.C.No.949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.949 of 2024

and

CrI.M.P.No.7939 of 2024

K.Arun

... Petitioner

Vs.

R.Gayathri Devi

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order dated 04.08.2022 made in M.P.No.394 of 2022 in M.C.No.631 of 2019 on the file of the learned Principal Family Court, Chennai.

For Petitioner : Mr.A.Sundaravadhanan

ORDER

The present criminal revision petition has been filed to set aside the order dated 04.08.2022, passed by the learned Principal Judge, Chennai, in M.P.No.394 of 2022 in M.C.No.631 of 2019.



Crl.R.C.No.949 of 2024

WEB COPY

2. Since no adverse order is going to be passed, notice to the respondent is dispensed with.

3. The revision petitioner is the husband and the respondent is the wife. The marriage between the petitioner / husband and the respondent / wife was solemnized on 07.11.2016. Due to matrimonial dispute and misunderstanding between them, they were living separately. The petitioner / husband filed a petition seeking divorce, in which the respondent / wife has filed a petition for restitution of conjugal rights. In the meantime, the respondent / wife filed a petition in M.C.No.394 of 2022 on the file of the Family Court, Chennai seeking maintenance. Pending the said petition, the respondent filed a petition under Section 125(2) of Cr.P.C in M.P.No.394 of 2022 seeking interim maintenance. The learned Judge, after hearing both sides, allowed the petition in part by directing the petitioner / husband to pay a sum of Rs.20,000/- to the respondent / wife towards interim



Crl.R.C.No.949 of 2024

maintenance and also directed the petitioner to pay arrears of maintenance.

Challenging the said order, the petitioner / husband filed the present revision petition.

4. The learned counsel for the petitioner submitted that though the trial Court on 04.08.2022 ordered for interim monthly maintenance for a sum of Rs.20,000/- to the respondent / wife in M.P.No.394 of 2022 in M.C.No.631 of 2019, the main case i.e., M.C.No.631 of 2019 itself was dismissed for default on 14.10.2022. When the main case itself was dismissed, there is no necessity for paying the interim maintenance. Hence, the learned counsel for the petitioner prays for setting aside the order of interim maintenance.

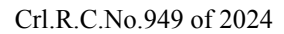
5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing for the petitioner and perused the materials available on record.



Crl.R.C.No.949 of 2024

WEB COPY

6. It appears that the respondent, who is the wife of the petitioner, has filed interim maintenance case in M.P.No.394 of 2022 in M.C.No.631 of 2019, before the Family Court, Chennai, seeking monthly maintenance of Rs.35,000/-, since the petitioner is not taking care of his wife. After considering the factual aspects, the trial Court has ordered monthly maintenance of Rs.20,000/- to the respondent / wife from the date of the petition till the disposal of the main M.C. Though the petitioner claims that the respondent is working in private sector and earning a sum of Rs.1,25,000/- per month, he has not produced any evidence to prove the same and that the main case was dismissed on 14.10.2022, it the duty of the husband to maintain his wife and child and the Court below rightly appreciating the above, ordered the maintenance by considering the means of the revision petitioner. Hence, this Court is not inclined to interfere with the order dated 04.08.2022 passed by the learned Principal Judge, Chennai. in M.P.No.394 of 2022 in M.C.No.631 of 2019. The petitioner is directed to



7. Accordingly, the Criminal Revision Case is dismissed.

10.06.2024

$$\mathbf{v}\ddot{\mathbf{j}}\mathbf{i}$$

To
The learned Judge,
Principal Family Court,
Chennai.



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Crl.R.C.No.949 of 2024

M.DHANDAPANI, J.

vji

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