



Crl.R.C.No.945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.945 of 2023
And
Crl.M.P.No.7667 of 2023**

E.Balamurugan

... Petitioner

Vs.

1.Jayalakshmi
2.Minor.B.Dhanyashree
3.Minor.B.Iniyashri

(Minors represented by their
Mother and next friend
Jayalakshmi, the first petitioner)

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to set aside the impugned order dated 09.11.2022 passed by the V Additional Principal Judge, Family Court, Chennai in M.P.No.217 of 2021 in M.C.No.295 of 2020.

For Petitioner : Mr.K.Udayakumar
For Respondents : Mr.J.Antony Jesus

O R D E R

The criminal revision case has been filed seeking to set aside the



CrI.R.C.No.945 of 2023

WEB COPY

order dated 09.11.2022 passed by the learned V Additional Principal Judge, Family Court, Chennai in M.P.No.217 of 2021 in M.C.No.295 of 2020.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 27.08.2010 and out of the wedlock, they were blessed with the respondents 2 and 3. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.295 of 2020 before the V Additional Principal Family Court, Chennai and along with it, the respondents filed M.P.No.217 of 2021 seeking monthly interim maintenance of Rs.30,000/-. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.7,000/- to the first respondent and Rs.6,000/- each to the respondents 2 and 3 towards interim monthly maintenance from the date of the petition. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the



CrI.R.C.No.945 of 2023

petitioner is working in a private College and earn only a sum of Rs.18,000/- per month. Hence, the impugned order directing the petitioner to pay a sum of Rs.19,000/- towards interim monthly maintenance is not sustainable. The learned counsel further submitted that the petitioner is ready to pay a sum of Rs.15,000/- towards interim monthly maintenance and prayed this Court to issue direction to the Court below to dispose of the main maintenance case by allowing the parties to adduce evidence.

4.The learned counsel appearing for the respondents raised no serious objection.

5.In view of the consent view expressed by the learned counsel appearing on either side, this Court directs the petitioner to deposit the entire arrears amount at the rate of Rs.15,000/- per month, to the credit of M.C.No.295 of 2020 on the file of the V Additional Principal Family Court, Chennai, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.15,000/- per month to the respondents towards interim maintenance on or before 7th of every succeeding English Calender Month till the disposal of the



Crl.R.C.No.945 of 2023

maintenance case. After the petitioner deposits the entire arrears

WEB COPY

M.DHANDAPANI,J.
pri

amount, the V Additional Principal Family Court, Chennai, shall dispose of the maintenance case in M.C.No.295 of 2020, on merits and in accordance with law, within a period of twelve weeks thereafter.

6.With the above modification, this criminal revision case is disposed of. Consequently, the connected miscellaneous petition is also closed.

03.04.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The V Additional Principal Family Court,
Chennai.

Crl.R.C.No.945 of 2023
And
Crl.M.P.No.7667 of 2023



WEB COPY



CrI.R.C.No.945 of 2023

03.04.2024