



Crl.R.C.No.1001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2024

CORAM:
THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.R.C.No.1001 of 2024

and

Crl.M.P.No.8474 of 2024

Joel Selvarathinam

...Petitioner

Vs.

1. Olivia Paul
2. Minor John Selvarathinam
(Minor respondent represented
by 1st respondent, mother.
(Natural guardian/ Next
friend)

...Respondents

PRAYER: Criminal Revision case filed under Section 397 r/w Section 401
of Code of Criminal Procedure against the order passed by the learned VII
Additional Principal Family Court Judge in M.C.No.434 of 2018 dated
07.01.2022.

For Petitioner : S.Nambi Arooran

For Respondents : Ms.Preethi Roy



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ORDER

WEB COPY This Criminal Revision petition is filed against the order passed by the learned VII Additional Principal Family Court Judge in M.C.No.434 of 2018 dated 07.01.2022.

2. The case of the petitioner is that, the marriage between the petitioner / husband and the first respondent / wife was solemnized on 26.08.2013 as per the Christian rites and customs. Out of the said wedlock, the second respondent was born. Due to the difference of opinion between the petitioner and the first respondent, the respondents filed a petition u/s.125 Cr.P.C. in M.C.No.434 of 2018 on the file of VII Additional Family Court, Chennai seeking maintenance in a sum of Rs.50,000/- per month to the respondents. After adjudication, the trial Court vide order dated 07.01.2022 partly allowed the petition filed by the respondents and directed the petitioner to pay a sum of Rs.35,000/- per month towards maintenance of the second respondent. Challenging, the same, the petitioner is in this Criminal Revision Petition.



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3. Learned counsel for the petitioner submits that though the petitioner has filed the present petition seeking to set aside the order passed in maintenance case, however, at the time of arguments, upon instructions, he submitted that the petitioner is ready to deposit the arrears of monthly maintenance at the rate of Rs.20,000/- per month to the second respondent within the time frame that may be fixed by this Court. He further submits that this Court may remand the Maintenance case to the trial Court, and the trial Court may be directed to pass appropriate orders with regard to the maintenance fixed in respect of the second respondent herein.

4. Learned counsel appearing for the respondents did not contest the submission made by the learned counsel for the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. In view of the consent expressed by the learned counsel appearing



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on either side, this Court is inclined to allow the Criminal Revision in the following terms:

(i) The petitioner is directed to pay the 50% of the arrears of maintenance at the rate of Rs.20,000/- per month within a period of four (4) weeks from the date of receipt of a copy of this order and the remaining 50% arrears shall be paid within a period of four (4) weeks thereafter.

(ii) The petitioner shall continue to pay the said maintenance amount to second respondent on or before 5th of every English calendar month.

(iii) The matter is remitted to the trial Court and upon receipt of payment of proof for the arrears of maintenance, the trial Court is directed to pass appropriate orders afresh in the maintenance case in M.C.No.434 of 2018 filed by the respondents with regard to the maintenance fixed in respect of the second respondent as expeditiously as possible.



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WEB COPY 8. Accordingly, the Criminal Revision Petition is allowed.

Consequently, connected miscellaneous petition is closed.

12.06.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To
VII Additional Principal Family Court



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M.DHANDAPANI, J.

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