



Crl.R.C.Nos.1275 & 1290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.Nos.1275 & 1290 of 2025

Crl.RC.No.1275 of 2025

Lucas Daniel Raj			Petitioner
	Vs		
Pertreesia Maria			Respondent

PRAYER:

Criminal Revision Case is filed under Sections 438 & 442 of BNSS, praying to call for the records in MP.No.2175 of 2024 in MC.No.254 of 2020 and set aside the impugned order dated 17.03.2025 passed by the III Additional Family Court, Chennai.

For Petitioner : M/s.V.Jayavarshini

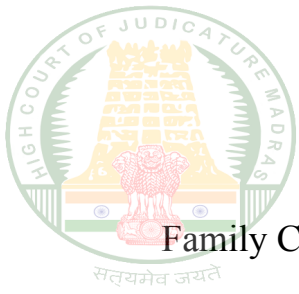
For Respondent : M/s.R.Revathi

Crl.RC.No.1290 of 2025

Lucas Daniel Raj			Petitioner
	Vs		
Pertreesia Maria			Respondent

PRAYER:

Criminal Revision Case is filed under Sections 438 & 442 of BNSS, praying to call for the records in MP.No.2156 of 2024 in MC.No.254 of 2020 and set aside the impugned order dated 17.03.2025 passed by the III Additional



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Family Court, Chennai.

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For Petitioner : M/s.V.Jayavarshini

For Respondent : M/s.R.Revathi

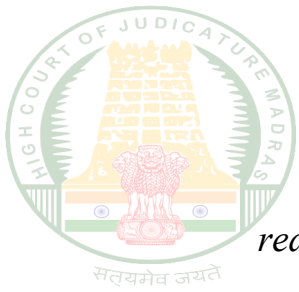
COMMON ORDER

Both the criminal revisions cases have been filed against the order of payment out thereby allowing the petition seeking payment out and dismissed the petition filed by the petitioner to transfer the amount which was already deposited to the credit of MC.No.254 of 2020.

2. The petitioner had married the respondent. Thereafter, the respondent left the matrimonial house and she was living separately. Therefore, she could not maintain herself and filed petition for maintenance in MC.No.254 of 2020. It was allowed by the trial court, thereby ordering a sum of Rs.25,000/- as monthly maintenance in favour of the respondent payable by the petitioner. Aggrieved by the same, the petitioner preferred criminal revision case before this Court in Crl.RC.No.1089 of 2023 and the same was allowed with the following directions:

i)The revision petition is allowed and the order in M.C. No.254 of 2022, dated 28.02.2023, passed by the trial court is set aside and the matter is remitted back to the file of the III Addl. Principal Judge, Family Court, Chennai:-

ii)The interim maintenance ordered at Rs.25,000/- is



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reduced and the petitioner/husband is directed to pay interim maintenance to the respondent/wife at the rate of Rs.20,000/- (Rupees Twenty Thousand only) per month from the date of filing of the petition in M.C. No.254/2022 till orders are passed in the said M.C. No.254/2022;

iii)The petitioner/husband is directed to deposit the arrears of maintenance, less the amount already paid, to the credit of the maintenance case within a period of four weeks from the date of receipt of a copy of this order;

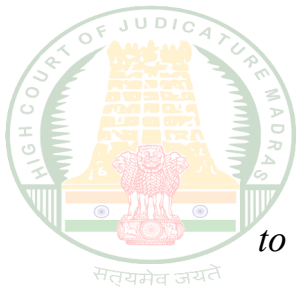
iv)The petitioner/husband is directed to pay the future maintenance amount as ordered by this Court on or before the 7th day of every English calendar month;

v)The litigation expenses fixed at Rs.25,000/- (Rupees Twenty Five Thousand only) by the court below is also set aside and subject to the decision that may be arrived at afresh, the trial court may fix the litigation expenses;

vi)The III Addl. Principal Judge, Family Court, is directed to take up M.C. No.254/2022 and upon hearing the parties, more particularly with regard to Section 125 (4) Cr.P.C., pass appropriate orders on the petition within a period of five months from the date of receipt of a copy of this order;

vii)The petitioner/husband and the respondent/wife are directed to cooperate with the court below for expeditious disposal of the case within the time frame fixed by this Court;

viii)If either the petitioner/husband or the respondent/wife are not cooperating in the disposal of M.C. No.254/2022 within the time frame fixed by this court, it is open



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*to the court below to pass appropriate orders on the said
petition without granting unnecessary adjournments;*

3. As directed by this Court, the petitioner had deposited the arrears of maintenance to the credit of the trial court. The trial court conducted fresh trial and dismissed the maintenance case in MC.No.254 of 2020 by an order dated 29.11.2024. In view of the dismissal of the maintenance case, the petitioner who deposited the interim maintenance as directed by this Court, filed petition for transfer of the amount which is lying to the credit of MC.No.254 of 2020 to his account. At the same, the respondent also filed petition in MP.No.2175 of 2024 seeking permission to withdraw the amount which was deposited by the petitioner as interim maintenance. The trial court dismissed the petition filed by the petitioner and allowed the petition filed by the respondent. Aggrieved by both the orders, the present criminal revision cases have been filed.

4. The learned counsel for the petitioner in both the revisions would submit that once the maintenance case itself was dismissed, the respondent is not entitled for interim maintenance. That apart, this Court directed the petitioner to deposit arrears of maintenance and to pay future maintenance by



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way of deposit. Therefore, the respondent is not entitled for any interim maintenance since the maintenance case itself has been dismissed by the trial court.

5. The learned counsel for the respondent in both the revisions would submit that this Court specifically directed the petitioner to deposit the arrears of maintenance and also he was directed to pay future interim maintenance till the disposal of the maintenance case. She further submitted that as against the maintenance case, now the respondent has preferred revision and it is pending.

6. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

7. On perusal of records, it is revealed that though this Court directed the petitioner to deposit arrears of maintenance and also the petitioner was directed to pay future maintenance till the disposal of the maintenance case, the respondent was not permitted to withdraw the amount which was deposited by the petitioner as the arrears of maintenance. Further, this Court did not direct the petitioner to pay interim maintenance directly to the respondent. Therefore, the petitioner deposited the arrears of maintenance. Finally, the main case itself was



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dismissed by the trial court and as such, the respondent is not entitled to withdraw the amount which was deposited by the petitioner as directed by this Court. The respondent ought have approached this Court even while pending the maintenance case seeking permission to withdraw the interim maintenance amount which was already deposited by the petitioner. However, the respondent failed to do so. Now, the maintenance case itself has been dismissed and as such, she is not entitled to withdraw the interim maintenance deposited by the petitioner.

8. At this juncture, it is brought to notice of this Court that while pending these criminal revision cases, the respondent withdrew the amount which was deposited by the petitioner to the credit of MC.No.254 of 2020.

9. In view of the above discussion, the impugned orders cannot be sustained and the same are liable to be set aside. Accordingly, the impugned orders passed in MP.Nos.2175 & 2156 of 2024 in MC.No.254 of 2020 dated 17.03.2025 by the III Additional Family Court, Chennai, are set aside. Consequently, the respondent is directed to deposit the said amount to the credit of MC.No.254 of 2020 on the file of III Additional Family Court, Chennai within a period of four weeks from the date of receipt of this order. It is made



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clear that subject to the result of the revision, either the petitioner or the

respondent will be permitted to withdraw the amount.

10. With the above directions, both the criminal revision cases stands allowed.

18.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

G.K.ILANTHIRAIYAN, J.
lok

To
1.The III Additional Family Court, Chennai.



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