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Crl.RC.No.1808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1808 of 2024 and

Crl.M.P.No.14811 of 2024

Ajeesh Kumar S

... Petitioner

Vs.

1. Shilaja T R

2. Shreya Ajeesh (Minor)

Rep. by her mother and natural
guardian, the 1st respondent

... Respondents

Prayer: Criminal Revision Case filed under Section 438 and 442 of the B.N.S.S. to set aside the order dated 10.09.2024 in M.P.No.1129 of 2024 in M.P.No.731 of 2021 in M.C.No.195 of 2021 by the learned IIIrd Additional Family Court at Chennai.

For Petitioner : Mr.Ajay Francis Inigo Loyola

For Respondents : Mr.Rahul Jagannathan



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ORDER

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This Criminal Revision Petitioner has been filed by the petitioner to set aside the order dated 10.09.2024 in M.P.No.1129 of 2024 in M.P.No.731 of 2021 in M.C.No.195 of 2021 by the learned IIIrd Additional Family Court at Chennai.

2. The brief facts of the case is that the first respondent is the wife and the second respondent is the daughter of the petitioner herein. The first respondent/wife filed a petition for before the IIIrd Additional Family Court at Chennai for divorce on the ground of cruelty in O.P.No.2165 of 2020 and pending at the stage of enquiry, she also filed a maintenance case along with the second respondent/daughter in M.C.No.195 of 2021. Subsequently, she filed a petition in M.P No.731 of 2021, seeking interim maintenance and the same was partly allowed by order dated 16.11.2022 directing the petitioner/husband to pay a sum of Rs.30,000/- to the first respondent/wife and Rs.15,000/- to the second respondent/daughter from the date of filing of the



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petition and till disposal of O.P. and a sum of Rs.50,000/- was ordered to be

paid towards litigation expenses. Since, the said order was not complied with, the respondents filed a petition in M.P. No.1129 of 2024 invoking Section 128 Cr.P.C. to direct the petitioner/husband to pay the arrears of maintenance of Rs.4,68,200/-. The said petition was allowed by order dated 10.09.2024 and the petitioner/husband was directed to pay the arrears of maintenance on or before 21.10.2024. Challenging the same, the husband has filed the present revision.

3. The learned counsel for the petitioner/husband submits that the order of interim maintenance passed in M.P. No.731 of 2021, was subsequently stayed by this Court and therefore, the order passed in M.P.No.1129 of 2024 is not enforceable. Further, the main case in M.C. No.195 of 2021 has also been disposed of on merits directing the petitioner/husband to pay Rs.60,000/- per month to the second respondent/daughter alone. Since the copy of the order passed in the main M.C. has not been received, the same has not been challenged so far.



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4. It is seen that pending this petition, the main case in M.C. No.195 of 2021 itself has been disposed of and therefore, this revision challenging the order of arrears of interim maintenance, has become infructuous.

5. However, the petitioner/husband is directed to make the payment of arrears of maintenance as ordered by the Family Court and if there is any shortfall, the same shall be adjusted while complying the order of the Family Court passed in main case in M.C.No. 195 of 2001.

6. With the above observations and directions, this Criminal Revision Case is disposed of. Consequently, the connected Miscellaneous Petition is closed.

28.03.2025
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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
The IIIrd Additional Family Court
Chennai.

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P.VELMURUGAN. J.

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