



CrI.R.C.No.123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.123 of 2025

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Mrs.V.Pravina

.. Petitioner

Vs.

Mr.Anandha

.. Respondent

Criminal Revision Case filed under Sections 438 and 442 of BNSS, praying to set aside the order passed by the First Additional Principal Judge, Family Court, Chennai in M.P.No.1214 of 2023 in M.C.No.616 of 2022, dated 19.07.2024 and subsequently direct the respondent to pay the sum of Rs.50,000/- per month as interim maintenance to the petitioner herein every month without fail.

For petitioner : Mrs.C.Shankary for M/s.Nathan and Associates

For respondent: No appearance

(Mr.A.Sivaraman, learned counsel appeared in SR stage)

ORDER

Challenging the order dated 19.07.2024 passed by the Ist Additional Principal Judge, Family Court, Chennai in M.P.No.1214 of 2023 passed in M.C.No.616 of 2022, the present revision is filed by the wife.

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2. After nearly one year, the petitioner-wife filed M.P.No.1214 of 2023 before the Family Court under Section 125(2) Cr.P.C. seeking interim maintenance of Rs.50,000/- p.m. to her, in which, the Family Court passed the impugned order, partly allowing the petition directing the respondent/husband to pay maintenance in a sum of Rs.15,000/- p.m. to the petitioner-wife till the disposal of main maintenance case in M.C.No.616 of 2022 and the Family Court also observed that the respondent-husband had to settle the arrears of maintenance within three months from 19.07.2024 and the respondent/husband was also directed the settle the arrears of maintenance within three months from 19.07.2024 and to pay the monthly interim maintenance on or before 10th of every English calendar month, until further orders from Court.

3. First of all, the present revision petition filed by the wife, is not maintainable, as the impugned order is not a final order and it is only an interlocutory order. Further, the object and scope of Section 125 Cr.P.C. itself are that the maintenance case has to be summarily decided within a possible short span of time. Now, after establishment of the Family Court, a very big lobby is going on all over the country and the parties are not allowing to decide the interim petitions like the one here, and even the maintenance case or

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restitution of conjugal rights, one way or the other. Even though the Family Court Act is very clear that without the permission of the Court, no Advocate should enter and appear for the parties in the family dispute cases, but however, after getting necessary permission, the Advocates are entering into the family dispute and not properly advising the client (wife or husband) and misguiding them and even not co-operating for settlement through mediation and one way or the other way, the parties (wife or husband) are protracting the cases without understanding the scope and object of Section 125 Cr.P.C.

4. Hence, this Court finds that there is no merit in the present revision petition. Accordingly, this revision petition is dismissed as not maintainable, as the impugned order is only an interlocutory order and not final order having been passed in the main maintenance case, as the main case is still pending.

5. The First Additional Principal Family Court, Chennai, is directed to dispose of the main maintenance case itself in M.C.No.616 of 2022, within a period of two months from the date of receipt of a copy of this order.

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To

1. First Additional Principal Judge, Family Court, Chennai.
2. The Section Officer, Criminal Section, High Court, Madras.

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