

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1280 of 2015

&

M.P.Nos.1 and 2 of 2015

Mr.Narpoth Chand Lodha

.. Petitioner

vs.

1.Mrs.Mamta Narpat

2.Divya (minor)

.. Respondents

Criminal Revision filed under sections 397 and 401 Cr.P.C. against the order passed by the learned IV Additional Session Judge in Crl.A.No.219 of 2014 dated 10.09.2015 by partly confirming the order passed by the learned VIII Metropolitan Magistrate in Crl.M.P.No.2320 of 2014 in D.V.C.No.16 of 2014 dated 01.08.2014 and set aside the same.

For Petitioner : Mr.S.Thiruvengadam

For Respondents : Mr.K.Subhashini
for M/s.Chennai Law Associates

O R D E R

This revision arises against the judgment passed by the learned IV Additional Sessions Judge, City Civil Court, Chennai dated 10.09.2015 in Crl.A.No.219 of 2014.

2. The first respondent moved a petition seeking interim maintenance in M.P.No.2320 of 2014 in D.V.C.No.16 of 2014 before the VIII Metropolitan Magistrate, George Town, Chennai. The trial Court directed payment of interim maintenance at the rate of Rs.15,000/- to the wife and Rs.10,000/- to the minor child. Thereagainst, the petitioner moved appeal in C.A.No. 291 of 2014. Under orders dated 10.09.2015, the appellate Court, while confirming the maintenance Rs.15,000/- payable to the wife, reduced the sum payable to the child to Rs.5,000/-. Thereagainst, the petitioner moved this revision.

3. Heard learned counsel on either side.

4. On consideration of the submissions made on either side, this Court would confirm the order of the Court below with a specific observation that the confirmation of the order of the appellant Court shall not be read as one determining the capacity of the petitioner to effect payment of maintenance as ordered by it. It will be open to the petitioner as also the respondent to establish their respective cases before the learned VIII Metropolitan Magistrate, Chennai. The learned VIII Metropolitan Magistrate, Chennai is directed to dispose of D.V.C.No.16 of 2014 as expeditiously as possible and within a period of two months from the date of receipt of a copy of this order.

The Criminal Revision Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

sd/-

Assistant Registrar (Cs-VI)

/TRUE COPY/

Sub-Assistant Registrar

gpa

To

1. IV Additional Session Judge
City Civil Court, Chennai

2. VIII Metropolitan Magistrate
Chennai

+1 CC to MR.S.Thiruvengadam Advocate. SR.NO.68891

+2 CC to M/s.Chennai Law Associates. SR.NO.69158

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CO-KGK
JD 03/02/2016

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