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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

Crl.R.C.No.26 of 2015

Prabu Sankar

...

Petitioner

Vs.

1.Manu

2.Rithvik Manikandan (minor)

rep by his mother and natural guardian

Manju-1<sup>st</sup> respondent.

...

Respondents

Prayer: Revision filed under Sections 397 & 401 of Cr.P.C against the order dated 27.11.2014 made in Crl.M.P.No.5796 of 2014 in M.C.No.26 of 2014 passed by the learned Judicial Magistrate, Tambaram.

For Petitioner : Mr.V.Venkatesan

For Respondents : Mr.S.Thamizharasi

#### ORDER

This Revision has been filed challenging the order of interim maintenance dated 27.11.2014 in Crl.M.P.No.5796 of 2014 in M.C.No.26 of 2014 passed by the learned Judicial Magistrate, Tambaram, whereby the petitioner was directed to pay a sum of Rs.10,000/- each per month to the respondents herein (totally Rs.20,000/- per month) towards interim maintenance.

2.Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3.According to the petitioner/husband, he has lost his job and he is not working; whereas according to the 1<sup>st</sup> respondent/wife, the petitioner/husband is working and he is earning Rs.70,000/- per month. The interim maintenance order was passed by the Court below on 27.11.2014 directing the petitioner/husband to pay a sum of Rs.10,000/- each per month. But, till date, the petitioner/husband has not paid any amount. The main case in M.C.No.26 of 2014 filed by



the respondents before the learned Judicial Magistrate, Tambaram, is still pending.

4. Taking into consideration the fact that only interim maintenance has been ordered by the Court below and the main petition for maintenance is still pending, this Court is of the view that it would suffice to direct the petitioner to pay a sum of Rs.5,000/- each per month to the respondents as interim maintenance.

5. Accordingly, without going into the merits and without making any observation with regard to maintenance, this Court directs the petitioner to pay a sum of Rs.5,000/- each per month to the respondents right from the date of petition. The arrears amount should be paid to the respondents directly within a period of four weeks from the date of receipt of a copy of this order. Further, the petitioner shall continue to pay interim maintenance at the rate of Rs.5,000/- each per month to the respondents, on or before 5<sup>th</sup> day of every successive months. The Court below is directed to dispose of the case in M.C.No.26 of 2014 within a period of six months from the date of receipt of a copy of this order.

With the above terms, the impugned order is modified and the Criminal Revision Petition is partly allowed.

Sd/-  
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ssv

To  
1.The Judicial Magistrate,  
Tambaram.

+1 cc to M/s.S.Thamizharasi, Advocate, sr.40478  
+1 cc to M/s.V.Venkatesh, Advocate, sr.40455

Cr1.R.C.No.26 of 2015

nm(co)  
kra(19/08)