

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C.No.633 of 2017
and
CrI.M.P.No.5736 of 2017

1. S.Sathish Kumar

2. Sasidharan

3. Santha Petitioners

vs

Priya Respondent

Criminal Revision case filed under sections 397 and 401 of Cr.P.C to allow this Revision Petition and set aside the Order dated 16.12.2016 passed in C.A.No.249 of 2015 on the file of the XIX Additional Sessions Judge, City Civil Court, Chennai modifying the Interim Maintenance granted in M.P.No.1044 of 2015 in C.C.No.3973 of 2014 on the file of the XIII Metropolitan Magistrate, Egmore (Allikulam), Chennai dated 14.12.2015.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr. Durai Kannan

O R D E R

The criminal revision has been filed to set aside the Order dated 16.12.2016 passed in C.A.No.249 of 2015 on the file of the learned XIX Additional Sessions Judge, City Civil Court, Chennai modifying the Interim Maintenance granted in M.P.No.1044 of 2015 in C.C.No.3973 of 2014 on the file of the learned XIII Metropolitan Magistrate, Egmore (Allikulam), Chennai, dated 14.12.2015.

2. Earlier, when the matter was taken up for hearing on 27.04.2017, this Court granted interim stay on condition that the first petitioner should pay a sum of Rs.5,000/- per month as maintenance to the respondent on or before 5th of every English calendar month until further orders.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for both sides submitted that they are ready and willing to proceed with the main D.V.C petition before the trial Court and it is further submitted that the case in C.C.No.3973 of 2014, which was filed before the learned XIII Metropolitan Magistrate, Egmore (Allikulam), Chennai has been transferred to the file of the learned Additional Mahila Metropolitan Magistrate Court, Egmore at Allikulam, Chennai and renumbered as D.V.C.No.170 of 2017 and the same is pending. Hence, this Court may direct the learned Additional Mahila Metropolitan Magistrate Court, Egmore at Allikulam, Chennai to dispose D.V.C.No.170 of 2017 (Old C.C.No.3973 of 2014) within a time frame.

4.Taking into consideration the submission made by the learned counsel for both sides and also considering the fact that the matter is pending from the year 2014, this Court is inclined to pass the following order:

(i) The learned Additional Mahila Metropolitan Magistrate Court, Egmore at Allikulam, Chennai is directed to dispose D.V.C.No.170 of 2017 (Old C.C.No.3973 of 2014) within a period of three months from the date of receipt of a copy of this order.

(ii) The first petitioner herein is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) per month to the credit of D.V.C.No.170 of 2017 (Old C.C.No.3973 of 2014) on the file of the learned Additional Mahila Metropolitan Magistrate

Court, Egmore at Allikulam, Chennai -3 towards maintenance on or before 5th of every English calendar month from the month of July till the disposal of D.V.C.No.170 of 2017 (Old C.C.No.3973 of 2014).

(iii) On such deposit being made, the respondent/wife is directed to withdraw the same by filing appropriate petition before the learned Additional Mahila Metropolitan Magistrate Court, Egmore at Allikulam, Chennai -3.

(iv) The first petitioner herein is further directed to pay the maintenance

amount of Rs.5,000/- (Rupees five thousand only) to the respondent, for the months of May and June, 2017 (totalling to Rs.10,000/-), by way of Demand Draft on or before 27.06.2017.

With the above said directions, the Criminal Revision is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

cla

To

1. The learned XIII Metropolitan Magistrate,
Egmore at Allikulam,
Chennai.
2. The learned Additional Mahila
Metropolitan Magistrate Court,
Egmore at Allikulam,
Chennai 3.
3. The Public Prosecutor,
High Court, Madras.
- 4.XIX Additional Sessions Judge,
City Civil Court, Chennai

+lcc to M/s.Duraikannan,Advocate sr.43049

+lcc to Mr.C.K.M.Appaji,Advocate sr.42929 (27/6/2017)

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Crl.R.C.No.633 of 2017
and
Crl.M.P.No.5736 of 2017

rsk(co)
ss(23/06/2017)