

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.07.2017
CORAM
THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN
CRL.R.C.No.1110 of 2011
and
M.P.No.1 of 2011

1.J.Shanmugam

2.J.Lakshmi

... Petitioners/Respondents

Vs.

S.Karpagam

... Respondent/Petitioner

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure to set aside the order of II Addl.Sessions Judge, Chennai in Crl.Appeal No.1 of 2011, dated 30.06.2011 and the exparte order of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai 600 015, dated 10.12.2010 made in M.P.No.10492 of 2010 in M.C.No.31/2010.

For Petitioner : Mr.T.Sundar Rajan

For Respondent : No appearance

O R D E R

This Criminal revision has been filed praying to set aside the order of II Addl.Sessions Judge, Chennai in Crl.Appeal No.1 of 2011, dated 30.06.2011 confirming the exparte order of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai 600 015, dated 10.12.2010 made in M.P.No.10492 of 2010 in M.C.No.31/2010.

2.Heard the learned counsel the petitioners. On behalf of the respondent, none appeared. There is no representation for respondent.

3.The learned counsel for the petitioners has submitted that, the respondent-wife has preferred in M.C.No.31 of 2010 under the Protection of Women from Domestic Violence Act 2005 and interim maintenance of Rs.10,000/- per mensm was ordered. As against the said order, the petitioners preferred appeal in Crl.A.No.1 of 2011, which was rejected and hence, this Criminal Revision has filed before this Court.

4. He further submits that pursuant to the order of interim maintenance passed by the trial Court, the first petitioner-husband has already remitted the entire amount i.e., *Rs.5,000/- per month the period ending upto November 2016, however,

thereafter, he has resigned the job and now he seeks liberty to agitate his claim before the trial Court itself.

5. Considering the submissions made by the counsel for the petitioners, this Criminal Revision Petition is disposed of with a direction to the trial Court to consider and dispose of the main application in M.C.No.31 of 2010, on merits as expeditiously as possible particularly within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

*Corrected as per
order dated 2/8/2017 made
in Crl.R.C.No.1110/2011 as
listed for being mentioned.

sd/-

Assistant Registrar(CSIII)
dated:17.8.2017

Sd/-

Assistant Registrar(CS III)
Dated:14.7.17

//True Copy//

Sub Assistant Registrar

nvi

To

1.The II Addl.Sessions Judge, Chennai
2.The XXIII Metropolitan Magistrate,
Saidapet, Chennai

3.-do-Thro The Chief Metropolitan Magistrate,
Egmore, Chennai-8

4.The Section Officer,
Criminal Section, High Court Madras

+1 cc to Mr.T.Sundar Rajan Advocate sr 47301
***+1cc to Mr.T.Sundarrajan,Advocate sr.55139**

To be Substituted
for the order
already despatched
on 1/8/2017

CRL.R.C.No.1110 of 2011 and
M.P.No.1 of 2011

skv(co)
aa17/07/2017
ss(17/8/2017)