

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.236 of 2017
and
Crl.M.P.No.2353 of 2017

Jagadeesh @ Jagadeesan
S/o.Chandrasekaran

.. Petitioner

Vs

1. Bhuvaneswari
W/o. Jagadeesh @ Jagadeesan
2. Minor. GnasuriyanShaymala,
S/o.Jagadeesh @ Jagadeesan
Rep by his Mother and Naturan Guradian
Bhuvaneswari.

.. Respondents

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C. to set aside the order dated 19.01.2017 made in Crl.M.P.No.5091 of 2016 in D.V.O.P.No.7 of 2016 on the file of Judicial Magistrate No.I, Mettur.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Mrs. T.K.S.Bharathy Anandaraj

O R D E R

This revision arises against the order of learned Judicial Magistrate No.I, Mettur, passed in Crl.M.P.No.5091 of 2016 in D.V.O.P.No.7 of 2016 on 19.01.2017.

2. Heard learned counsel for petitioner and learned counsel for respondent.

3. Learned counsel for petitioner/husband points to the averment of the first respondent/wife in D.V.O.P.No.07 of 2016 that the petitioner/husband is earning a sum of Rs.5,000/- p.m.

4. Learned counsel for respondents submits that in the petition seeking interim maintenance, first respondent/wife has also averred that petitioner/husband is having rental income of

Rs.10,000/- p.m. and also earning Rs.50,000/- p.m. through business.

5. This Court, under orders dated 16.02.2017, has directed as follows:

'Notice to respondents returnable by 03.03.2017. Private notice is also permitted. Service of private notice may be effected also through respondent's counsel at the Court below.

Interim stay on condition that petitioner effects payment of a sum of Rs.5,000/- per month payable from the date of petition before the Court below within a period of two weeks from today failing which the interim stay shall stand vacated without any further reference to this Court. Upon the sum being deposited to the credit of proceedings before the Court below as directed herein above, respondent shall be entitled to withdraw the same on due application.'

6. Considering the rival submissions, this Court is of the view that it would be appropriate to direct the petitioner/husband to effect payment of a sum of Rs.3,500/- p.m. to each of the respondents on or before 5th of every succeeding month, pending adjudication of D.V.O.P.No.07/2016. It is brought to the notice that petitioner has complied with the earlier order and deposited the amount in the treasury. Petitioner is now directed to deposit the sum payable from February 2018 into the Savings Bank Account No.363100080201042, Tamil Nadu Mercantile Bank, of the first respondent. Court below is directed to dispose of the petition in D.V.O.P.No.07/2016 as expeditiously as possible and in any event, not later than six months from the date of receipt of this order.

7. The Criminal Revision Case is disposed of with the above direction. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar

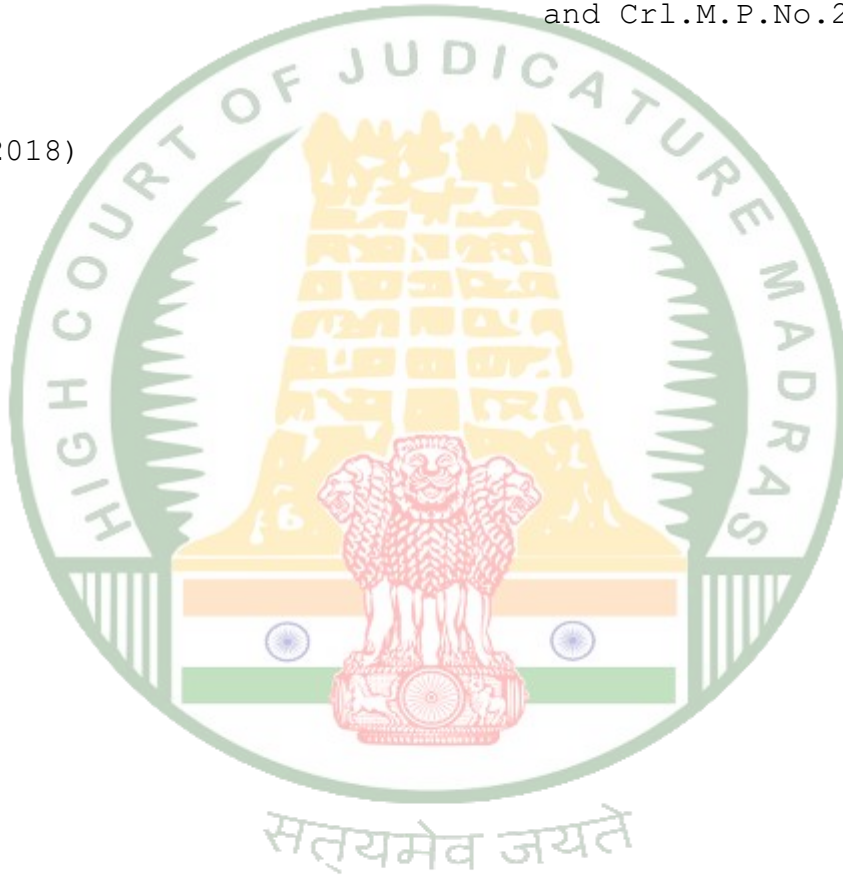
To

The Judicial Magistrate No.I,
Mettur

+ 1 cc to M/s. TKS. Bharathy Anandraj, Advocate SR.2476
+ 1 cc to M/s. A. Sundaravadhanan, Advocate Sr.2237

CrI.R.C.No.236 of 2017
and CrI.M.P.No.2353 of 2017

GMI (CO)
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