



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.(MD) No.439 of 2018

and

Crl.M.P.(MD) No.6204 of 2018

C.Moorthy

... Petitioner

Vs.

M.Palanimuthu @ Subbulakshmi

... Respondent

PRAYER: The Criminal Revision Case filed under Section 397 r/w Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order passed by the learned District Munsif cum Judicial Magistrate, Karaikudi passed in M.P.No.296 of 2018 in D.V.O.P.No.12 of 2017 dated 16.02.2018.

For Petitioner : Mr.S.M.Sanjay
For Respondent : Mr.C.Velliachamy

ORDER

This petition has been filed to call for the records and set aside the order passed by the learned District Munsif cum Judicial Magistrate, Karaikudi in M.P.No.296 of 2018 in D.V.O.P.No.12 of 2017 dated 16.02.2018.

2.Heard the learned counsel on either side.

3.The trial Court has fixed the interim maintenance as Rs.3,000/- to the mother and Rs.3,000/- to her daughter aged about 11 years studying IX standard.

4.The learned counsel for the petitioner would submit that though the petitioner / wife in D.V.O.P.No.12 of 2017 had contended that the respondent is earning more than Rs.80,000/-, admittedly, no document for his income was filed by the wife. Despite the same, Rs.3,000/- for mother and Rs.3,000/- to her daughter was ordered as interim maintenance without any basis.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Per contra, the learned counsel appearing for the



respondent / wife would submit that the petitioner is carry on building contract works and he is having sufficient income.

6.Considering the rival submissions, this Court is of the view that instead of keeping the matter pending, the quantum of maintenance shall be modified as Rs.2,500/- for wife and Rs.2,000/- to her daughter for her study as interim maintenance till the disposal of D.V.O.P.No.12 of 2017, which will meet the bare requirement for any person to have a dignified living.

7.The parties can substantiate their claim regarding the income and all other issue during the course of trial and the trial Court shall fix the appropriate maintenance required for the wife and her daughter while passing the final order. The arrears of maintenance shall be deposited in the D.V.O.P.No.12 of 2017 by 15.09.2018 and on such deposit, the trial Court shall take up the case for trial. If the petitioner has failed to deposit the arrears and fail to pay the future maintenance on or before 5th day of every month, the trial Court is at liberty to take appropriate action.

8.With these directions, this criminal revision case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The District Munsif cum Judicial Magistrate,
Karaikudi, Sivagangai District.

+ 1 CC TO Mr.S.M.SANJAY, ADVOCATE IN SR No. 79156
+ 1 CC TO Mr.C.VELLAICHAMY, ADVOCATE IN SR No. 78923

MM

TE/KAK/SAR-2 : 28/08/2018 : 2P/4C

Cr1.R.C.(MD) No.439 of 2018
16.08.2018