

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1103 of 2016

and

Crl.M.P.Nos.9581 & 9582 of 2016

Robert Kingsly

... Petitioner

Vs.

1.Anitha Stella Rani

2.Vimala

3.J.Charles

... Respondents

PRAYER: This Criminal Revision Case has been filed Under Section 397 r/w 401 of Cr.P.C to set aside the order dated 12.07.2016 passed in C.A.No.168 of 2015 on the file of the VII Additional Session Judge at Chennai, reversing the order dated 27.07.2015 passed in M.P.No.821 of 2015 in M.C.No.5 of 2015, on the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai by allowing this Criminal Revision Case.

For Petitioner : Mr.M.Manickavel

For Respondents : Mr.D.Prasanna

ORDER

This Criminal Revision Case has been filed by the petitioner under Section 397 r/w 401 of Cr.P.C to set aside the order dated 12.07.2016 passed in C.A.No.168 of 2015 on the file of the VII Additional Session Judge at Chennai, reversing the order dated 27.07.2015 passed in M.P.No.821 of 2015 in M.C.No.5 of 2015, on the file of the XVII Metropolitan Magistrate Court, Saidapet, Chennai by allowing this Criminal Revision Case.

2.The learned counsel for the petitioner would submit that the 1st respondent has filed a petition under Domestic Violence

Act in M.C.No.5 of 2015 for maintenance. During the pendency of M.C.No.5 of 2015, the 1st respondent also filed a petition in M.P.No.821 of 2015 for interim maintenance. After hearing the matter, the learned Magistrate granted interim maintenance of Rs.5,000/- to the 1st respondent and Rs.5,000/- to the minor son. Aggrieved by the said order, the husband has preferred this Revision.

3. Apart from the said amount, the petitioner is also paying a sum of Rs.3,000/- per month and also bearing medical and educational expenses of his son. The learned counsel would further submit that the petitioner is ready to bear the medical and educational expenses continuously to his minor son and ready to pay Rs.5,000/- per month till the disposal of the main case. Hence, the interim maintenance of awarding Rs.10,000/- by the learned Magistrate is highly exorbitant and the same should be modified.

3. The learned counsel for the 1st respondent would submit that she is very poor and not able to maintain herself and her son who is studying in the XII Standard and she is not in a position to generate any income except the interim maintenance awarded to her. Therefore, under these circumstances, the 1st respondent prays to confirm the order passed by the learned Magistrate.

4. Heard both sides. Perused the records.

5. Considering the facts and circumstances of the case, since the learned counsel for the petitioner has given signed undertaking and filed an affidavit stating that he is ready to provide medical and educational expenses to his minor son and also continue to give Rs.5,000/- towards maintenance till the disposal of the main case, the order passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai-15 in M.P.No.821/2015 in M.C.No.5/2015 dated 27.07.2015 is modified to the effect that the petitioner shall pay a sum of Rs.5,000/- and also the petitioner is further directed to extend the medical and educational expenses of his minor son till the disposal of the main case.

6. With the above direction, this Revision Case stands disposed of. Since the main case itself is only for maintenance, the learned Magistrate is hereby directed to complete the main case in M.C.No.5/2015 within a period of three

months from the date of receipt of a copy of this order.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To.

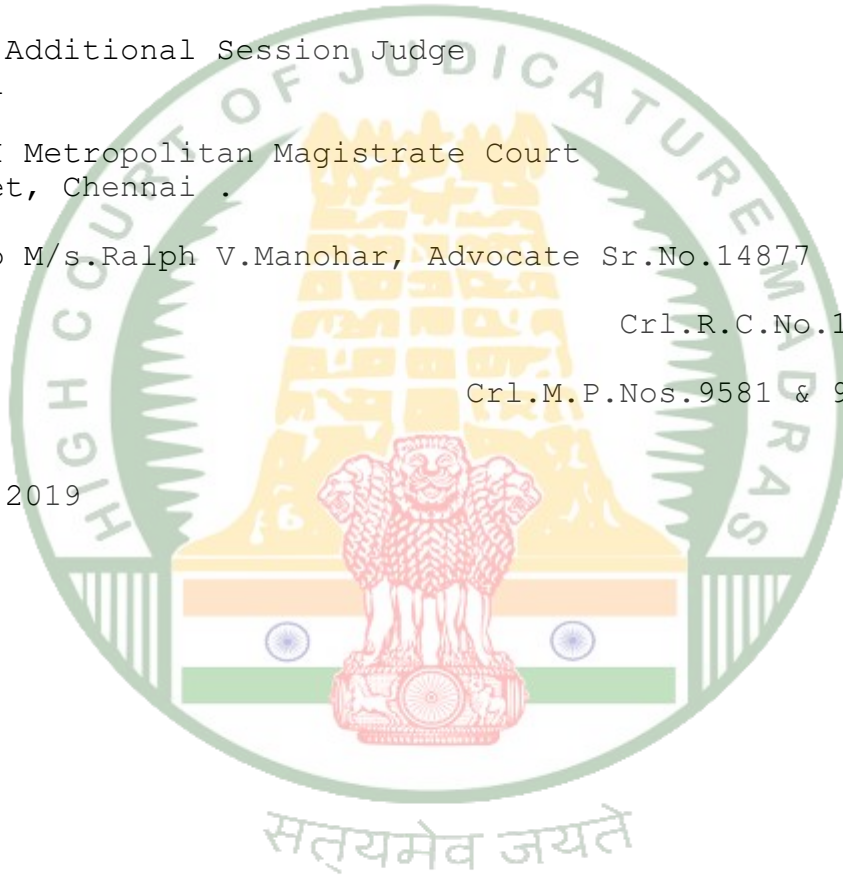
1.The VII Additional Session Judge
Chennai

2.The XVII Metropolitan Magistrate Court
Saidapet, Chennai .

+2 cc's to M/s.Ralph V.Manohar, Advocate Sr.No.14877

Crl.R.C.No.1103 of 2016
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VSN-II (CO)
CSL/12.03.2019



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