

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.697 of 2018
and Crl.MP.No.8108 of 2018

P.Muralikrishnan

..Petitioner

Vs

1. S.Mekala

2. M.Harikeerthana

(Minor rep by his mother)

..Respondents

Prayer: Criminal Revision filed under Section 397 and 401 of the Code of Criminal Procedure, seeking to set aside the order passed in C.M.P.No.5010/2017 in M.C.No.4 of 2017 on the file of Judicial Magistrate, Dharampuram.

For Petitioner : Mr.S.Arivazhagan

ORDER

This revision petition is directed against the order dated 06.04.2018 passed by the learned Judicial Magistrate, Dharapuram, in C.M.P.No.5010 of 2017 in M.C.No.4 of 2017 granting interim maintenance of Rs.4,000/- per month to the respondents.

2. The petitioner and the first respondent are husband and wife and the second respondent is their daughter. The petitioner filed H.M.O.P.No.96 of 2014 for divorce, in which, the first respondent filed I.A.No.519 of 2014 seeking interim maintenance and the same is pending. Hence, the respondents filed the present maintenance case, wherein, interim maintenance of Rs.7500/- was sought for by them. The Trial Court passed the order dated 06.04.2018 directing the petitioner to pay a sum of Rs.2,000/- per month each to the respondents as interim maintenance from the date of petition till the disposal of the main case, which is impugned in this revision.

3. On 20.06.2018, this Court granted an order of interim stay on condition that the petitioner shall continue to pay the maintenance amount, as awarded by the trial Court.

4. Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner submitted that the petitioner is regularly complying with the interim order of this Court. He further submitted that the trial Court may be directed to dispose of the main case within a time frame to be stipulated by this Court.

5. It is seen that this revision was heard on 20.06.2018, however, no steps have been taken by the learned counsel for the petitioner to serve papers to the other side, even at this length of time. Since no order prejudicial to the interest of the respondent is going to be passed, this Court is inclined to dispose of this revision.

6. Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel for the petitioner, this Court directs the learned Judicial Magistrate, Dharapuram, to dispose of M.C.No.4 of 2017, pending on his file, on merits and in accordance with law, after affording due opportunity of hearing to both the parties, within a period of three months from the date of receipt of a copy of this order. Till the disposal of maintenance case, the petitioner is directed to continue to pay the interim maintenance at Rs.2,000/- per month each to the respondents on or before 5th of every succeeding English Calendar month, without any default.

7. Accordingly, this Criminal Revision stands disposed of. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)MDU

//True Copy//

Sub Assistant Registrar

gg

To

The Judicial Magistrate, Dharapuram.
+lcc to Mr.S.Arivazhagan, Advocate, S.R.No.9687

Cr1.R.C.No.697 of 2018

LN(CO)
KKV/21/07/2020