



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Cr1.R.C.No.843 of 2017

Panneer Selvam ... Petitioner

Vs.

1. P.Priya

2. Vidya

Minor rep.by Mother P.Priya

... Respondents

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed by the learned Judicial Magistrate, Tambaram in Cr1.M.P.No.2203 of 2014 in M.C.No.65 of 2014 dated 13.03.2017.

For Petitioner : Mr.A.Vivekanandhan

For Respondents : Mr.R.Kannan

O R D E R

The petitioner is the husband and the first respondent is the wife. They have one children born out of the wedlock. Due to a family dispute, the first respondent left the matrimonial home and is living separately. The petitioner filed a petition for divorce against the first respondent in H.M.O.P. No.478 of 2014 on the file of the Sub Court, Tambaram and the same is pending. While so, the first respondent filed H.M.O.P.No.543 of 2014, on the file of the Sub Court, Tambaram for restitution of conjugal rights and the same is pending. Subsequently, the first respondent filed a petition for maintenance before the learned Judicial Magistrate, Tambaram, in which, she filed CMP.No.2203 of 2014 seeking interim maintenance. By order dated 13.03.2017, the learned Judicial Magistrate, Tambaram allowed the said petition, directing the petitioner to pay a sum of Rs.5,000/- per month to the first respondent and Rs.10,000/- per month to



the second respondent, which has to be paid by the petitioner from the date of the application for maintenance, on or before 5th of every succeeding English calendar month regularly without any default. It was also ordered that the arrears of maintenance amount have to be paid to the first respondent within a period of three months as interim maintenance. Feeling aggrieved, the petitioner has preferred this Criminal Revision before this Court.

2. While ordering notice in this Criminal Revision on 22.06.2017, interim stay was granted on condition to deposit 50% of the entire arrears of maintenance before the Court below. The petitioner was also directed to pay a sum of Rs.7,500/- per month towards maintenance to the respondents on or before 5th of every English Calendar Month, in default, interim order would stand vacated.

3. On 12.09.2017, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that the said interim order has not been complied with by the petitioner. In view of the same, the interim order stood vacated. Even today, no payment was effected by the petitioner to the respondents.

4. Today, when the matter is taken up for consideration, the learned counsel on either side submitted that the parties will agitate their respective claims in MC.No.65 of 2014 and hence, they prayed for a direction to the trial Court to dispose of the said case within a time frame to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions so made by the learned counsel on either side, this Court directs the learned Judicial Magistrate, Tambaram, to dispose of M.C.No.65 of 2014, pending on 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. The monthly interim maintenance of Rs.15,000/- as ordered by the trial Court, be recovered from the petitioner by the respondents in the manner known to law.



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6. Accordingly, this Criminal Revision stands disposed of.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To
The Judicial Magistrate Court,
Tambaram.

copy to
The Section Officer
Criminal Section
High Court, Madras-104

+1 cc to Mr.R.Kannan Advocate sr14600

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