

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON
02.07.2021

ORDERS PRONOUNCED ON
23.08.2021

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRL.R.C.NO.222 OF 2015

AND

M.P.NO.1 OF 2015

P.Jayasundaram @ P.Jayachandran @ Thangaiyya

... Petitioner/1st Respondent

.Vs.

1. J.Jayabharathy @ J.Jayapathi
2. J.Vasagaselvam

... Respondents/Petitioners

PRAYER:-

Petition filed under Section 397 r/w. 401 of the Criminal Procedure Code, against the interim order passed by the learned District Munsif-cum-Judicial Magistrate, Sriperambudur, in C.M.P.No.2489 of 2014, dated 07.01.2015.

For Petitioner : Mr.M.Madhusudanan

For Respondents : Mr.R.Dakshina Murthy

ORDER

The matter is heard through "Video Conference".

This Criminal Revision Case has been preferred by the petitioner against the interim order passed by the learned District Munsif-cum-Judicial Magistrate, Sriperambudur, in C.M.P.No.2489 of 2014, dated 07.01.2015.

2. The first respondent herein is the wife of the revision petitioner and the second respondent is the son of the revision petitioner.

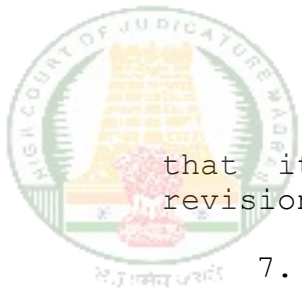


3. The first respondent herein has filed a petition in M.C.No.7 of 2014, before the learned Judicial Magistrate at Sriperambudur, seeking maintenance against her husband. During the pendency of the said petition, she has also filed another petition in C.M.P.No.2489 of 2014, before the learned District Munsif-cum-Judicial Magistrate, Sriperambudur, seeking interim maintenance. The learned District Munsif-cum-Judicial Magistrate has allowed the said petition and directed the revision petitioner herein/husband to pay a sum of Rs.5,000 per month to the first respondent/wife as interim maintenance. Aggrieved against the said order of interim maintenance granted by the learned Magistrate, the husband has preferred this Criminal Revision Case before this Court.

4. Heard Mr.S.Madusudanan, learned counsel for the revision petitioner and Mr.R.Dakshinamurthy, learned counsel appearing for the respondents.

5. On a perusal of records, it is seen that the first respondent herein/wife has filed a petition in M.C.No.7 of 2014 claiming maintenance. Pending the said M.C.No.7 of 2014, she has filed a petition in C.M.P.No.2489 of 2014 seeking interim maintenance. In the said petition, a sum of Rs.5,000/- per month was directed to be paid by the revision petitioner herein/husband. The marriage between the revision petitioner and the first respondent is subsisting. The second respondent herein, who is the son of the revision petitioner and the first respondent, has categorically stated that his father is running a company viz., SSS Plastic private limited company in Ramapuram, Chennai, and earning a sum of Rs.1,00,000/- per month. It is the specific case of the first respondent/wife and second respondent/son that from the year 1986 onwards, the first respondent/wife is living separately because her husband is living with another lady by name Latharani. The marriage between the revision petitioner/husband and the first respondent/wife is subsisting and during the subsistence of the marriage, the revision petitioner/husband is living with another lady namely, Latharani and the said fact is also duly corroborated by the adult son, the second respondent herein through the statement given in the counter affidavit.

6. On a perusal of records, it is seen that the first respondent/wife is living separately from the year 1986 and hence, the revision petitioner/husband is bound to maintain his wife, the first respondent herein. Furthermore, a sum of Rs.5,000/- awarded by the learned District Munsif-cum-Judicial Magistrate, Sriperambudur, as interim maintenance, is just and proper. With regard to the factum of running a private company in the name of SSS Plastic private limited company in Ramapuram, Chennai and earning a sum of Rs.1,00,000/- per month, I find



that it is a reasonable amount. Accordingly, the criminal revision case is liable to be dismissed.

7. In the result,

WEB COPY

[i] This Criminal Revision Case is dismissed and the interim order passed by the learned District Munsif-cum-Judicial Magistrate, Sriperambudur, in C.M.P.No.2489 of 2014, dated 07.01.2015, is confirmed.

[ii] The learned Judicial Magistrate, Sriperambudur, is directed to dispose of the maintenance case in M.C.No.7 of 2014, within a period of (12) twelve weeks from the date of receipt of a copy of this order.

[iii] The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The District Munsif-cum-Judicial Magistrate, Sriperambudur.
2. The Chief Judicial Magistrate, Kancheepuram. (For Information)

CRL.R.C.NO.222 OF 2015

NR(CO)
PBS/09/09/2021