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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.19686 of 2019

1. Minor Karthik

2. Minor Sujitha

both are represented by their
natural guardian and mother

3. Menaka

.. Petitioners/Respondents

Vs.

Siva @ Sivakumar

.. Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in order passed by Sessions Court, Thiruvannamalai, in Cr1.R.C.No.15 of 2016 dated 20.04.2017 modifying the order passed by Judicial Magistrate No.II, Tiruvannamalai in Cr1.M.P.No.3045 of 2013 in M.C.No.1 of 2012 dated 11.04.2016 and set aside the same in respect of the modified portion is concerned.

For Petitioners : Mr.B.Jawahar

For Respondent : Mr.G.Saravanan

O R D E R

This petition has been filed to call for the records in order passed by Sessions Court, Thiruvannamalai, in Cr1.R.C.No.15 of 2016 dated 20.04.2017 modifying the order passed by Judicial Magistrate No.II, Tiruvannamalai in Cr1.M.P.No.3045 of 2013 in M.C.No.1 of 2012 dated 11.04.2016 and set aside the same in respect of the modified portion is concerned.



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2. The petitioners herein are two minor children of the respondent herein. The wife of the petitioner had preferred M.C.No.1 of 2012, on the file of the Judicial Magistrate No.II, Thiruvannamalai. During the pendency of the said Maintenance Petition, the wife and her children filed CrI.M.P.No.3045 of 2012 before the said Court, claiming interim maintenance. The said miscellaneous petition was allowed and thereby, the Trial Court directed the respondent to pay Rs.2,000/- to the wife and Rs.1,500/- each to the petitioners herein. Aggrieved by the said order, the respondent herein has preferred a Criminal Revision Petition in CrI.R.C.No.15 of 2016 before the Sessions Court, Thiruvannamalai, whereby, the Trial Court has reduced the awarded amount to the petitioners herein from Rs.1,500/- each to Rs.1,000/- each. Challenging the said order of reduction, the present petition has been filed before this Court by the petitioners.

3. The learned counsel appearing for the petitioner submitted that the Trial Court has erroneously reduced the maintenance amount without considering the difficulties of the Wife in maintaining their children in the present cost of living prevailing in the Society and thereby she left in lurch and hence prays for enhancement of the maintenance amount.

4. The learned counsel appearing for the respondent submitted that as against the order passed in CrI.M.P.No.3045/2013, the respondent has preferred CrI.O.P.No.15132 of 2017 and the same was disposed of on 20.07.2021, with a direction to expedite the trial and dispose of the maintenance case in M.C.No.1 of 2012, on or before 31.12.2021 and hence this petition may be closed in view of the order passed by this Court in the above said Criminal Original Petition.

5. This Court, without going into the merits of the claim projected by the petitioner in this petition, and in view of the order passed by this Court in CrI.O.P.No.15132 of 2017, is inclined to close the present petition as there was already a direction to expedite the trial in the Maintenance Petition and dispose of the same.

6. Therefore, this Criminal Original Petition is closed and as directed by this Court in CrI.O.P.No.15132 of 2017, vide



order dated 20.07.2021, the Judicial Magistrate No.II, Thiruvannamalai, is directed to expedite the trial in M.C.No.1 of 2012 and dispose of the same on or before 31.12.2021.

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Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II, Tiruvannamalai.

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.19686 of 2019

KSM(CO)
B.VC (27/09/2021)