

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1090 of 2019 and

Crl.M.P.No.14741 of 2019

Kulathaivelu

... Petitioner /Respondent

.Vs.

1. M.Gowri

2. K.Chandrasekar

... Respondents/Petitioner

PRAYER : Criminal Revision case filed under Sections 397 r/w 401 or Cr.P.C. to call for records in connection with Crl.M.P.No.5117 of 2018 in M.C.No.27/2018 dated 25.07.2019 on the file of the Judicial Magistrate, Tambaram and set aside the same.

For Petitioner : Mr.V.Chandraprabu

For Respondent s : Ms. M.S.Rajeswari

O R D E R

This Criminal Revision has been filed challenging the order order made in Crl.M.P.No.5117 of 2018 in M.C.No.27 of 2018 dated 25.07.2019 passed by the learned Judicial Magistrate, Tambaram.

2. The petitioner is the husband. The first respondent is the wife and the second respondent is the son of the petitioner and the first respondent. The respondents filed a petition under Section 125 Cr.P.C. before the Judicial Magistrate, Tambaram seeking maintenance from the petitioner. During the pendency the same, the respondents filed a petition in Crl.M.P.No.5117 of 2018 before the Judicial Magistrate, Tambaram seeking interim maintenance. The learned Magistrate, after enquiry found that since the minor son was already granted maintenance, disallowed the maintenance in respect of the son and granted interim maintenance of Rs.3,000/-per month to the first respondent/wife. Challenging the same, the petitioner is before this Court by filing this revision.

3. Heard both sides. Perused the records.

4. Admittedly the relationship of the parties are not dispute. Further the paternity of the child is also not in dispute and the maintenance case filed in M.C.No.27 of 2018 is still pending and only the interim maintenance is ordered. Both

the parties have not let in evidence and they have not produced any documents. The respondents marked only two letters as Exs.R1 and R2. Though the learned counsel for the petitioner would submit that the petitioner was granted divorce on the ground of cruelty against the first respondent/wife and the same was mentioned in the counter affidavit filed before the court below, the issue whether the wife is entitled to get maintenance or not and whether the decree of divorce granted by the competent court is still in force or the first respondent has taken any steps to set aside the order can be decided only at the time of disposal of the main case in M.C.No.27 of 2018. Since the interim maintenance order was passed till the disposal of the main case, this Court finds that there is no perversity in the order passed by the Court below. This Court does not find any illegality or infirmity in the order passed by the learned Magistrate and the same is liable to be dismissed.

Accordingly, this Criminal Revision is dismissed. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Tambaram.

+1cc to Mr.V.Chandra Prabu, Advocate SR.NO..9110
+1cc to M/s.M.S.Rajeswari, Advocate SR.NO..8878

AKM/17.03.21/2P-4C/

सत्यमेव जयते

Cr1.R.C.No.1090 of 2021
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