



1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.26693 of 2022

N.Gowri, F/M-45
W/o.Natarajan

.. Petitioner

.Vs.

S.Natarajan
S/o.Sundara vAdivelu

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 01.04.2022 made in criminal revision pending No.7 of 2020 on the file of the II Additional District and Sessions Judge, Thiruvallur partially allowed in CMP No.1058 of 2019 in MC.No.2/2019 on the file of the Judicial Magistrate No.I, Poonamallee and further direct the respondent to the maintenance amount from the date of filing of the said maintenance petition.

For Petitioner : Mr.T.Ananthasekar

For Respondent : Mr.Lekha Sankar

ORDER

This Criminal Original Petition has been filed challenging the order passed by the learned II Additional District and Sessions Judge, Poonamallee in CRP.No.7 of 2020, modifying the interim maintenance fixed by the learned Judicial Magistrate I, Poonamallee in CMP.No.1058 of 2019 in MC.No.2 of 2019.



2. Heard Mr.T.Ananthasekar, learned counsel for the petitioner and Mr.Lekha Sankar, learned counsel for the respondent.

3. The petitioner filed a maintenance case before the Judicial Magistrate-I, Poonamallee and it was pending in MC.No.2 of 2019. An interim application was filed by the petitioner seeking for interim maintenance in CMP No.1058 of 2019 and the learned Judicial Magistrate fixed the interim maintenance payable by the respondent at the rate of Rs.7,000/- pm., from the date of filing of the application seeking for interim maintenance.

4. Aggrieved by the above order, the respondent filed CRP.No.7 of 2020, before the II Additional District and Sessions Judge, Poonamallee. The Sessions Court on considering the facts and circumstances of the case and after assigning reasons, modified the Order passed by the learned Magistrate and reduced the amount of interim maintenance from Rs.7000/- to Rs.5,000/- pm. Aggrieved by the same, the present criminal original petition has been filed before this Court.

5. In the considered view of this Court, the order passed by the Court below does not suffer any illegality or infirmity. The Court below has assigned reasons for the modification of the interim maintenance amount and the same does not warrant the interference of this Court.



6.The learned counsel for the petitioner submitted that the respondent has not paid the arrears of maintenance that was fixed by the Court below from the year 2018 onwards. Insofar as this grievance is concerned, it is left open to the petitioner to file an appropriate application before the Court below and seek for the recovery of arrears of interim maintenance at the rate of Rs.5000/-pm. The Court below shall also ensure that the arrears of maintenance is paid by the respondent to the petitioner and the respondent also continues to pay the interim maintenance fixed by the Court below every month without fail. The Court below shall also proceed further to decide the main case as expeditiously as possible.

7.This criminal original petition is disposed of in the above terms.

12.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP
To

- 1.The Commissioner
Greater Chennai, Vepery, Chennai.
- 2.The Assistant Commissioner of Police
K.2, Ayanavaram Police Station
Chennai 600 023.
- 3.The Inspector of Police
K.2, Ayanavaram Police Station
Chennai 600 023.
- 4.The Public Prosecutor
High Court, Madras.



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4 of 4

N. ANAND VENKATESH,, J.
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