



Crl.RC.No.6 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.6 of 2023

and

Crl.M.P.No.42 of 2023

E.Vinothkumar

...Petitioner

Vs.

V.Geetha

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to call for the records of the District Munsif cum Judicial Magistrate, Ranipet, in CMP.No.762 of 2022 in M.C.No.5 of 2022 order dated 21.11.2022 and set aside the same.

For Petitioner : Mr.V.Jayaprakash

For Respondent : Mr.K.G.Senthil Kumar

ORDER

This Criminal Revision Case is filed against the order dated 21.11.2022 passed in C.M.P.No.762 of 2022 in M.C.No.5 of 2022 on the file of the District Munsif cum Judicial Magistrate, Ranipet.



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2. The case of the petitioner is that, the marriage of petitioner/husband and the respondent/wife was solemnized on 21.08.2020. According to the petitioner, the marriage remained unconsummated. The petitioner filed a divorce petition in H.M.O.P.No.158 of 2020 on the file of Sub Court, Ranipet, which is still pending. The respondent filed a petition seeking interim maintenance in I.A.No.1 of 2021 in H.M.O.P.No.158 of 2020 and the petitioner filed another application in I.A.No.2 of 2021 in H.M.O.P.No.158 of 2020 seeking to refer the respondent to medical board. However, both the interim applications are pending on the file of Sub Court, Ranipet. Thereafter, the respondent filed a maintenance petition in M.C.No.5 of 2022 seeking monthly maintenance of Rs.25,000/- before the District Munsif cum Judicial Magistrate, Ranipet which is also pending. During the pendency of the maintenance case, the respondent filed a petition seeking interim maintenance in C.M.P.No.762 of 2022 before the trial Court and the same was partly allowed vide order dated 21.11.2022 with a direction to the petitioner to pay a sum of Rs.10,000/- per month to the respondent. Challenging the same the petitioner is in this revision petition.



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3. The learned counsel appearing for the petitioner submitted that the petitioner without prejudice to his rights is ready to deposit the arrears of maintenance amount as ordered by the trial Court. Hence, he prayed this Court to direct the trial Court to dispose of the maintenance case in M.C.No.5 of 2022 within the reasonable time frame that may be fixed by this Court.

4. Heard the contentions of the learned counsel appearing for the respondent and perused the materials available on record.

5. In view of the submission made by the learned counsel appearing for the petitioner, this criminal revision petition is disposed of in the following terms :-

(i) the petitioner/husband is directed to pay the arrears of maintenance amount at the rate of Rs.10,000/- per month to wife, less the amount, if any already paid by him, within a period of six (6) weeks from the date of receipt of a copy of this order;



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(ii) the petitioner/husband shall also continue to pay the above maintenance amount to the wife on or before the 5th day of every English Calendar month.

6. Upon receipt of necessary proof for payment of arrears amount, the Trial Court is directed to dispose of the maintenance case in M.C.No.5 of 2022 within a period of three months from the date of payment of arrears amount. Consequently, the connected criminal miscellaneous petition is closed.

24.06.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No



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To

WEB COM District Munsif cum Judicial Magistrate, Ranipet

M.DHANDAPANI, J.



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