



Crl.R.C.No.118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.118 of 2024

S.Jayarani

... Petitioner

Vs.

M.S.Sasindraraj

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w. 401 of the code of Criminal Procedure, to set aside the order dated 11.10.2023 made in Crl.M.P.No.2716 of 2023 in M.C.No.3 of 2023 on the file of the Judicial Magistrate, Thiruvottiyur and enhance the amount of interim maintenance from Rs.10,000/- to Rs.40,000/-.

For Petitioner : Mr.K.Sivasubramanian

For Respondent : Mr.S.Selvanandam



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ORDER

The Criminal Revision Case is filed against the impugned order dated 11.10.2023 passed in Crl.M.P.No.2716 of 2023 in M.C.No.3 of 2023 by the learned Judicial Magistrate, Thiruvottiyur.

2. The learned counsel appearing for the petitioner submits that the petitioner filed a maintenance case against the respondent/husband in M.C.No.03 of 2023 claiming monthly maintenance of Rs.40,000/- and litigation expenses of Rs.25,000/- and during the pendency of the case, she has filed a petition in Crl.M.P.No.2716 of 2023 seeking interim maintenance of Rs.40,000/-, however, the trial Court has ordered only a sum of Rs.10,000/- as interim monthly maintenance. Challenging the same, the present petition has been filed for enhancement of maintenance amount.

3. The learned counsel appearing for the petitioner submits that in the domestic violence proceedings, the respondent himself declared that he is earning a sum of Rs.1,55,000/- per month, however, the trial Court, vide the



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impugned order dated 11.10.2023, has ordered a meager amount of Rs.10,000/- as interim monthly maintenance which is unjustifiable.

4. The learned counsel appearing for the respondent submits that admittedly, the respondent is earning a sum of Rs.1,55,000/-, out of which, he has to pay a sum of Rs.1,30,000/- to the loan borrowed by him for the welfare of the petitioner and himself and a remaining sum of Rs.25,000/- will come to the hand of the respondent. Hence, he prays for appropriate orders.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. Though the petitioner claims that the respondent is earning a sum of Rs.1,55,000/- per month, as per the submission made by the learned counsel appearing for the respondent, after deducting the loan borrowed by the respondent for the welfare of the petitioner and himself, a sum of



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Rs.25,000/- will come to the hand of the respondent. Therefore, this Court is of the view that a sum of Rs.15,000/- would be just and reasonable for interim monthly maintenance. Hence, the respondent shall continue to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per month on or before 7th of every succeeding English Calender month, till the disposal of the maintenance case and deposit the entire arrears amount at the rate of Rs.15,000/- from the date of petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this order. The trial Court is directed to decide the matter independently, without being influenced by any of the observations made by this Court and dispose of M.C.No.3 of 2023 within a period of six months from the date of deposit of the entire arrears amount.

7. Accordingly, the Criminal Revision Case is disposed of.

03.07.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

The learned Judicial Magistrate, Thiruvottiyur



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M.DHANDAPANI, J.

ssb

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