



CRL.R.C.Nos.501 and 1173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**CRL.R.C.Nos.501 and 1173 of 2024
and Crl.M.P.Nos.3854 and 9860 of 2024**

Prayer in Crl.R.C.No.501 of 2024

N.Sivakumar

... Petitioner

Vs.

1.B.Shanmuga Priya

2.S.Vishant Priyan

... Respondents

PRAYER: Criminal Revision Case filed under Sections 397 r/w. 401 of the code of Criminal Procedure, 1973, to set aside the impugned order dated 16.11.2023 made in Crl.M.P.No.506 of 2022 in M.C.No.23 of 2022 on the file of the learned Judicial Magistrate, Additional Mahila Court, Alandur and allow the Criminal Revision Case.

For Petitioner : Mr.R.Anbalagan

For Respondents : Ms.D.Kamatchi



CRL.R.C.Nos.501 and 1173 of 2024

WEB COPY **Prayer in Crl.R.C.No.1173 of 2024**

1.B.Shanmuga Priya

2.S.Vishant Priyan

... Petitioners

Vs.

N.Sivakumar

... Respondent

PRAYER : Criminal Revision Case filed under Sections 397 r/w. 401 of the code of Criminal Procedure, 1973, to set aside the impugned order dated 16.11.2023 made in Crl.M.P.No.506 of 2022 in M.C.No.23 of 2022 on the file of the learned Judicial Magistrate cum Additional Mahila Court, Alandur and allow the Criminal Revision Case.

For Petitioners : Ms.D.Kamatchi

For Respondent : Mr.R.Anbalagan

COMMON ORDER

Since the order impugned which is under challenge in the criminal revision cases is one and the same, this Court is inclined to dispose of the criminal revision cases by way of a common order.



CRL.R.C.Nos.501 and 1173 of 2024

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2. For the sake of convenience and clarity, the petitioner in Crl.R.C.No.501 of 2024 is hereinafter referred to as "husband" and the petitioners in Crl.R.C.No.1173 of 2024 are referred to as "wife and child".

3. The marriage between the husband and wife was solemnized in the year 2001 and they were blessed with two children, namely, Sivalika, who aged about 19 years and Vishant Priyan, who aged about 13 years. The wife and the child filed a maintenance case in M.C.No.23 of 2022, wherein, an interim maintenance petition was filed claiming a sum of Rs.1,25,000/- each per month for herself and her son in Crl.M.P.No.506 of 2022 in M.C.No.23 of 2022, wherein, the trial Court has ordered interim maintenance of Rs.20,000/- per month to the wife and child and directed the husband to pay the interim maintenance to the wife in order to maintain herself and her child on or before 5th calendar date of English month from the date of the application until further orders, pending disposal of the maintenance case. Aggrieved over the same, the wife and the child filed Crl.R.C.No.1173 of 2024 for enhancement of the interim maintenance



CRL.R.C.Nos.501 and 1173 of 2024

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amount and the husband has filed Crl.R.C.No.501 of 2024 questioning the interim maintenance amount awarded to the wife and child.

4. The learned counsel appearing for the husband submits that the wife is working as Professor in a private college and earning sufficient money, hence, she is not entitled to claim interim maintenance and the same was not considered by the trial Court and the interim maintenance was awarded to her which is not sustainable one. However, the husband is ready to take care of his son and daughter and bear the educational expenses of his son and daughter, if ordered, by this Court and is ready to face the trial.

5. The learned counsel appearing for the wife and child submits that indeed, the husband is earning a sum of Rs.2,17,000/- per month and the wife has to take care of herself, her son and daughter and has to meet out the educational expenses of her son and daughter and the interim maintenance of Rs.20,000/- awarded by the trial Court is not sufficient to maintain her son and daughter, hence, this Court may enhance the interim maintenance and



CRL.R.C.Nos.501 and 1173 of 2024

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issue a direction to the trial Court to dispose of the main case within a reasonable time fixed by this Court.

6. The husband claims that the wife is working as Professor in the private College, however, he has not produced any material to prove the same, whereas, the wife claims that the husband is working at IDC Engineering Company and earning a sum of Rs.2,17,000/-, and she has to take care of herself, her son and daughter and has to meet out the educational expenditures of her son and daughter, but, her daughter is not added as a party in the proceedings. Unless the husband proves the fact that his wife is earning sufficient income to maintain herself and children, it is the incumbent on the husband to maintain his wife and children. Considering the income and financial status of the petitioner, the order dated 16.11.2023 passed in Crl.M.P.No.506 of 2022 in M.C.No.23 of 2022 by the learned Judicial Magistrate cum Additional Mahila Court, Alandur, is modified to the effect that the husband is directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) as interim maintenance to the wife in order to maintain herself and child, on or before 7th of every succeeding English



CRL.R.C.Nos.501 and 1173 of 2024

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Calender month. On deposit of entire arrears amount being made by the husband, the trial Court is directed to dispose of M.C.No.23 of 2022 within a period of five months from the date of deposit of the entire arrears amount. Since the daughter is not added as a party, this Court is not inclined to grant any interim maintenance to her, however, liberty is granted to the wife to file appropriate petition before the trial Court for impleading her daughter as one of the parties in the maintenance case.

7. Accordingly, Crl.R.C.No.501 of 2024 is dismissed and Crl.R.C.No.1173 of 2024 is disposed of in terms of the aforementioned directions. Connected miscellaneous petitions are closed.

12.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note: Issue order copy on **19.07.2024**

To

The learned Judicial Magistrate, Additional Mahila Court, Alandur.



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CRL.R.C.Nos.501 and 1173 of 2024



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CRL.R.C.Nos.501 and 1173 of 2024

M.DHANDAPANI, J.

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CRL.R.C.Nos.501 and 1173 of 2024

12.07.2024