



WEB COPY



Crl.R.C.No.997 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.997 of 2023

1. Kalaivani
2. Minor P.Nakshatraa
3. Minor P.Seemasshree

... Petitioners

(Minors petitioners 2 and 3 are rep. by their mother/1st petitioner/K.Kalaivani as Guardian)

Vs.

A.Panneer Selvam

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the order dated 03.06.2022 passed in C.M.P.No.1485 of 2021 in M.C.No.10 of 2021 on the file of the learned Judicial Magistrate, Rasipuram.

For Petitioners	:	Mr.K.R.Samratt
For Respondent	:	Mr.J.Jayan for Mr.W.Camyles Gandhi



Crl.R.C.No.997 of 2023

WEB COPY

ORDER

The present criminal revision petition has been filed to set aside the order dated 03.06.2022, passed by the learned Judicial Magistrate, Rasipuram, in C.M.P.No.1485 of 2021 in M.C.No.10 of 2021.

2. The petitioners are wife and daughters of the respondent. The marriage between the first petitioner and the respondent was solemnized on 15.11.1999. Out of the wedlock, two children were born. Due to matrimonial dispute and misunderstanding between them, they were living separately. The petitioners filed M.C.No.10 of 2021 on the file of learned Judicial Magistrate, Rasipuram, seeking maintenance. Pending the case, the petitioners filed C.M.P.No.1485 of 2021 seeking interim maintenance of Rs.20,000/- each to the petitioners. The learned Judicial Magistrate, Rasipuram, by order dated 03.06.2022, directed the petitioner to pay a sum of Rs.10,000/- p.m. to the petitioners on or before 5th of every month till the disposal of the case. Challenging the same, the present revision has been filed.



Crl.R.C.No.997 of 2023

WEB COPY

3. The learned counsel for the petitioners submitted that the maintenance awarded by the learned Judicial Magistrate, Rasipuram, is on the lower side. The first petitioner is taking care of two minor children and she is struggling for food, clothing, shelter, medical expenses and education expenses. Hence, the petitioner has filed C.M.P.No.1485 of 2021 in M.C.No.10 of 2021 seeking interim maintenance.

4. The learned counsel for the respondent submitted that the respondent was suspended from service and he is only receiving 50% of the salary and hence, it would not possible for the respondent to pay a sum of Rs.60,000/- p.m. as interim maintenance.

5. On a perusal of the impugned order, this Court finds that the learned Judicial Magistrate, Rasipuram, considering the facts and circumstances of the case, has ordered a sum of Rs.10,000/- as the monthly maintenance payable by the respondent. In the considered view of this



Crl.R.C.No.997 of 2023

Court, the maintenance awarded is only an interim maintenance and the main case is still pending. If, in case, a meagre amount is awarded as maintenance in the main case, then this Court would interfere. For now, the interim maintenance awarded at Rs.10,000/- does not require the interference of this Court.

6. For the aforesaid reasons, this Criminal Revision is dismissed.

The learned Judicial Magistrate, Rasipuram, is directed to dispose of M.C.No.10 of 2021 within a period of three (3) months from the date of receipt of a copy of this order.

17.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



Crl.R.C.No.997 of 2023

WEB COPY

To

The learned Judicial Magistrate,
Rasipuram.



WEB COPY



Crl.R.C.No.997 of 2023

M.DHANDAPANI, J.

vji

Crl.R.C.No.997 of 2023

17.04.2024