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Crl.R.C.No.789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.789 of 2023
And
Crl.M.P.No.6075 of 2023**

N.Saichenthur

... Petitioner

Vs.

1.S.Adharshna
2.Minor.Sai Seiyonn
Represented by Natural Guardian
Mother Mrs.S.Adharshna

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to call for the record relating to the order dated 29.03.2023 made in Crl.M.P.No.255 of 2023 in M.C.No.28 of 2022 on the file of the learned Judicial Magistrate, Dharapuram and set aside the same.

For Petitioner : Mr.K.J.Shiva Arudhra
For Respondents : Mr.K.Sivakumar

O R D E R

The criminal revision case has been filed seeking to set aside



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order dated 29.03.2023 passed by the learned Judicial Magistrate, Dharapuram in Crl.M.P.No.255 of 2023 in M.C.No.28 of 2022.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife. Their marriage was solemnized on 10.04.2017 and out of the wedlock, they were blessed with the second respondents. Thereafter there was a matrimonial dispute between them and the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.28 of 2022 before the learned Judicial Magistrate, Dharapuram and along with it, the respondents filed Crl.M.P.No.255 of 2023 seeking monthly interim maintenance of Rs.40,000/-. The Court below partly allowed the said petition and directed the petitioner to pay a sum of Rs.20,000/- to the first respondent and Rs.10,000/- to the second respondent towards interim monthly maintenance till the disposal of the maintenance case. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that initially the petitioner was employed as Senior Project Officer in IIT, Chennai



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and due to the legal notice issued by the first respondent to the

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employer of the petitioner, the petitioner was forced to quit the job at the time of the impugned order, he was not in employment and hence, forcing the petitioner to pay a sum of Rs.30,000/- towards interim monthly maintenance is not sustainable. The learned counsel further submitted that the petitioner filed petition for divorce in H.M.O.P.No.3461 of 2021 before the Family Court at Chennai and the same is pending.

4.The learned counsel appearing for the respondents submitted that when the petitioner was earning a sum of Rs.1,50,000/-, the Court below only directed him to pay a sum of Rs.30,000/- towards interim monthly maintenance and even assuming that he quit the job, the petitioner would have secured a job thereafter. Hence, the impugned order warrants no interference.

5.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.



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6.The facts of the case and the relationship between the parties is not disputed. Admittedly, the petition seeking divorce filed by the

petitioner is pending and no assets and liabilities were marked before the Court below. Without any documents, the Court below directing the petitioner to pay a sum of Rs.30,000/- towards interim monthly maintenance to the respondents is not sustainable and warrants interference. Hence, this Court directs the petitioner to pay a sum of Rs.25,000/- (Rs.15,000/- to the first respondent and Rs.10,000/- to the second respondent) to the respondents towards interim monthly maintenance.

7.Accordingly, the petitioner is directed to deposit the entire arrears amount at the rate of Rs.25,000/- per month, to the credit of M.C.No.28 of 2022 on the file of the learned Judicial Magistrate, Dharapuram, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall continue to pay a sum of Rs.25,000/- per month to the respondents towards interim maintenance on or before 7th of every succeeding English Calendar Month till the disposal of the maintenance case. After the petitioner deposits the entire arrears



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amount, the learned Judicial Magistrate, Dharapuram, shall dispose of the maintenance case in M.C.No.28 of 2022, on merits and in accordance

with law, within a period of five months thereafter.

8.With the above modification, this criminal revision case is disposed of. Consequently, the connected miscellaneous petition is closed.

10.04.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate, Dharapuram.



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M.DHANDAPANI,J.
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