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Crl.RC.No.964 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2024

CORAM :

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

Crl.RC.No.964 of 2022
and
CRL.MP.No.10185 of 2022

S.Ravindran

.. Petitioner

Vs.

M.Rukmani
Respondent

...

Petition filed under Sections 397 r/w 401 of Code of Criminal Procedure to set aside the interim order of maintenance dated 22.12.2021 made in C.M.P.No.82 of 2021 in M.C.No.3 of 2021 on the file of the learned Judicial Magistrate Additional Mahila, Alandur consequently remand the matter for fresh disposal rendering the interim maintenance by allowing the revision petition.

For Petitioner : Mr.K.Basker

For Respondent : Mr.V.Rengarajan

ORDER

This Criminal Revision case has been filed Sections 397 r/w 401 of



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Code of Criminal Procedure to set aside the interim order of maintenance dated 22.12.2021 made in C.M.P.No.82 of 2021 in M.C.No.3 of 2021 on the file of the learned Judicial Magistrate Additional Mahila, Alandur.

2. The case of the petitioner is that, the marriage of the petitioner/wife and the respondent/husband was solemnized on 20.04.2014 as per Hindu Rites and Customs at S.V.G.Ganesa Naicker Thirumana Mandapam, Rajiv Gandhi Salai, Sholinganallur, O.M.R. Road, Chennai. It is stated that, from the month of July 2020 onwards, the respondent/wife was residing in her uncle's house depending on them, since the petitioner/husband used to beat her very often and used to abuse her with vulgar words. Thereafter, the respondent/wife filed a maintenance case in M.C.No.3 of 2021 seeking maintenance for a sum of Rs.50,000/- per month, which is still pending on the file of Mahila Court, Alandur. Thereafter, the respondent also filed a maintenance petition under Section 125 of Cr.P.C. in C.M.P.No.82 of 2021 in M.C.No.3 of 2021 on the file of learned Judicial Magistrate, Additional Mahila Court, Alandur, seeking interim maintenance in a sum of Rs.30,000/- per month to the respondent herein. After adjudication, the Trial



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Court, by its order dated 22.12.2021 partly allowed the M.P., directing the respondent/husband to pay a sum of Rs.7,000/- p.m. to the petitioner/wife as interim maintenance. Aggrieved with the same, the petitioner/husband has preferred the present revision before this Court.

3. The learned counsel for the petitioner submits that though the petitioner is physically challenged person with 60% disability and also that he has to maintain his parents as well, however, the trial court without considering the same, has directed the petitioner to pay a sum of Rs.7,000/- per month as interim maintenance to the respondent which is wholly unsustainable. He further submits that though the respondent pleaded before the trial court that the petitioner is earning a sum of Rs.2,00,000/- by way of running a xerox shop, provisional store, however, in the absence of any income proof or assets of the petitioner, the Trial Court ordered a sum of Rs.7,000/- as interim maintenance in favour of the respondent/wife which is wholly perverse. Therefore, he submitted this Court may issue a direction to the Trial Court to conclude the main M.C. itself within a time frame that may be fixed by this Court and permit the parties to produce documents



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with regard to the income.

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4. Per contra learned counsel for the respondent/ wife submits that the trial court awarded only a sum of Rs.7,000/- per month as monthly maintenance which is very meagre, as the respondent is residing in Shollinganallur under the care and custody of her paternal uncle to meet out her day to day expenses. Accordingly, he prayed for passing appropriate orders.

5. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the interim maintenance order passed by the Trial Court. Accordingly, the order passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, dated 22.12.2021 in C.M.P.No.82 of 2021 in M.C.No.3 of 2021 is confirmed. It is made clear that the petitioner shall continue to pay the interim maintenance amount awarded by the trial court on or before 5th of every succeeding English calendar till the disposal of the main M.C.case. The petitioner shall pay the entire arrears of maintenance amount at the rate of Rs.7,000/- per month



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within a period of six (6) weeks from the date of receipt of a copy of this order. Upon payment of receipt of the proof for the arrears of maintenance amount, the Trial Court is directed to dispose of the maintenance case in M.C.No.3 of 2021 within a period of five months from the date of receipt of a copy of this order. The respondent/wife is permitted to produce all the necessary documents with regard to the income as well as the assets and liabilities of the petitioner/husband before the Trial Court.

6. With the above terms, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

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

To

The learned Judicial Magistrate, Additional Mahila, Alandur.

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