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Crl.R.C.No.943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.943 of 2024

And

Crl.M.P.Nos.7923 and 9388 of 2024

Palanisamy

... Petitioner

Vs.

1.Premadevi

2.Yazhini

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, seeking to allow the Crl.R.C. by setting aside the order dated 31.01.2024 passed in Crl.M.P.No.2625 of 2021 in M.C.No.1 of 2008 on the file of the Judicial Magistrate Court, Palladam.

For Petitioner : Mr.S.Sriram

For Respondents : Mr.L.Mouli

O R D E R

The criminal revision case has been filed seeking to set aside the order dated 31.01.2024 made in Crl.M.P.No.2625 of 2021 in M.C.No.1 of 2008 by the Judicial Magistrate Court, Palladam.



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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 12.07.2006 and out of the wedlock, they were blessed with the second respondent. 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.1 of 2008 seeking maintenance and the learned Judicial Magistrate, Palladam partly allowed the said case and directed the petitioner to pay a sum of Rs.1,000/- each to the respondents towards monthly maintenance. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the petitioner obtained divorce from the first respondent on the ground of desertion. Even thereafter, the respondent filed maintenance case. Initially, the trial Court ordered maintenance in M.C.No.1 of 2008 and subsequently, in the year 2021, the respondents filed petition under Section 127 (1) of Cr.P.C. in CrI.M.P.No.2625 of 2021 for enhancement in maintenance and the trial Court partly allowed the said petition and directed the petitioner to pay a sum of Rs.10,000/- each to the respondents towards maintenance.



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4.The learned counsel for the petitioner further submitted that the trial Court without ascertaining the assets and liability of the petitioner and the respondents mechanically passed the order directing the petitioner to pay a sum of Rs.10,000/- each to the respondents towards maintenance. The learned counsel on instructions, further submitted that the petitioner is ready to pay a sum of Rs.5,000/- per month to the first respondent and a sum of Rs.10,000/- per month to the second respondent from the date of the petition in CrI.M.P.No.2625 of 2021 and further submitted that since the second respondent performed the marriage during July, 2024, the second respondent is not entitled for maintenance from the petitioner after July, 2024 and prayed that this Court, without going into the merits of the case, may set aside the impugned order and remand back CrI.M.P.No.2625 of 2021 to the trial Court for passing fresh orders and may grant liberty to the parties to file assets and liabilities in respect of the first respondent.

5.The learned counsel appearing for the respondents submitted that the Court below considering the factual aspects and the present cost of living, directed the petitioner to pay a sum of Rs.10,000/- each



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to the respondents towards monthly maintenance, which is just and reasonable and warrants no interference.

6.Considering the submissions made by the learned counsel for the petitioner, this Court set aside the order dated 31.01.2024 passed in Crl.M.P.No.2625 of 2021 in M.C.No.1 of 2008 by the Judicial Magistrate Court, Palladam and remand the matter back to the Judicial Magistrate Court, Palladam for fresh consideration.

7.This Court directs the petitioner to deposit the entire arrears amount at the rate of Rs.5,000/- per month to the first respondent from the date of the petition in Crl.M.P.No.2625 of 2021 to till date and Rs.10,000/- per month to the second respondent from the date of the petition in Crl.M.P.No.2625 of 2021 till July, 2024 i.e., 31.07.2024, to the credit of Crl.M.P.No.2625 of 2021 in M.C.No.1 of 2008 on the file of the Judicial Magistrate Court, Palladam, 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.5,000/- per month to the first respondent towards maintenance on or before 7th of every succeeding English Calender Month till the disposal of the petition in Crl.M.P.No.2625 of 2021. The



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second respondent is not entitled for any maintenance from the petitioner after July, 2024.

8.The parties are granted liberty to file assets and liabilities in respect of the first respondent alone. After the petitioner deposits the entire arrears amount as awarded by this Court, the Judicial Magistrate Court, Palladam, shall after providing opportunity to the petitioner as well as the first respondent, dispose of Crl.M.P.No.2625 of 2021 in M.C.No.1 of 2008, as expeditiously as possible.

9.The criminal revision case is disposed of on the above terms. Consequently, the connected miscellaneous petitions are closed.

16.07.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate Court,
Palladam.



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