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CrI.R.C.No.1105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.1105 of 2024

Minor.R.H.Shree Valsa
Rep. by her Mother/ Natural Guardian
Aarthya Vaishnavi ... Petitioner

Vs.

R.Hariharan ... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to call for the records in M.C.No.53 of 2019 in order dated 07.03.2024 passed by learned Judicial Magistrate No.1, Tambaram and set aside the same.

For Petitioner : M/s.K.T.S.Sivakumar
For Respondent : Mr.G.Govarthanan

ORDER

The criminal revision case has been filed seeking to set aside the order dated 07.03.2024 made in M.C.No.53 of 2019 by the learned Judicial Magistrate No.1, Tambaram.

1/5



CrI.R.C.No.1105 of 2024

WEB COPY

2.The case of the petitioner is that the petitioner is the daughter and the respondent is the Father. The marriage between the petitioner's Mother and the respondent was solemnized on 08.09.2013 and out of the wedlock, they were blessed with the petitioner. Thereafter there was a matrimonial dispute between them and the petitioner through her Mother filed maintenance case under Section 125 of Cr.P.C. in M.C.No.53 of 2019 before the Judicial Magistrate No.1, Tambaram, seeking monthly maintenance of Rs.15,000/-. The Court below partly allowed the said case and directed the respondent to pay a sum of Rs.7,500/- per month to the petitioner from the date of order. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that the Court below ought to have ordered maintenance from the date of the petition in M.C.No.53 of 2019, however, the Court below ordered maintenance from the date of order and prayed that this Court may issue direction to the respondent to pay the maintenance amount from the date of the petition in M.C.No.53 of 2019.

4.The learned counsel appearing for the respondent submitted



Crl.R.C.No.1105 of 2024

that due to mental torture and mental harassment, the respondent suffered psychological depression and hence he quit the job and he is taking treatment. However, the respondent is ready to pay a sum of Rs.5,000/- per month as maintenance to the petitioner from the date of the petition in M.C.No.53 of 2019 till 07.03.2024 i.e., date of the order in M.C.No.53 of 2019 and would pay the maintenance amount of Rs.7,500/- per month to the petitioner from the date of order i.e., 07.03.2024 till the petitioner gets married.

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

6.Considering the submissions made on either side, this Court directs the respondent to pay a sum of Rs.5,000/- per month as maintenance to the petitioner from the date of the petition in M.C.No.53 of 2019 till 07.03.2024 i.e., date of the order in M.C.No.53 of 2019 and would pay a sum of Rs.7,500/- per month to the petitioner from the date of the order in M.C.No.53 of 2019 i.e.,07.03.2024.



CrI.R.C.No.1105 of 2024

WEB COPY

7.The respondent shall deposit the entire arrears amount, as awarded by this Court, to the credit of M.C.No.53 of 2019 on the file of the learned Judicial Magistrate No.1, Tambaram, 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 respondent shall continue to pay a sum of Rs.7,500/- per month to the petitioner towards maintenance on or before 7th of every succeeding English Calender Month, till the petitioner gets married.

8.This criminal revision case is disposed of on the above terms.

16.07.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Judicial Magistrate No.1,
Tambaram.

4/5



WEB COPY



Crl.R.C.No.1105 of 2024

M.DHANDAPANI,J.
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Crl.R.C.No.1105 of 2024

16.07.2024