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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.88 of 2023
and Crl.Mp.No.550 of 2023

N.Paramasivam

... Petitioner

-Vs-

1. S.Kalaimathi
2. Master Sharath
3. Master Yogesh
(Rep. By Natural Guardian
Mother, first respondent)

... Respondents

Prayer: Criminal revision is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order dated 26.07.2023 passed by the learned Judicial Magistrate-II, Poonamallee, Tiruvallur District by determined interim maintenance of Rs.15,000/- per month to the petitioners in CMP.no.2583 of 2022 in MC.No.08/2022 till the disposal of the main MC petition.

For petitioner : Mr.S.Muthukrishnan

For Respondents : No representation

ORDER

The Criminal Revision is filed against the order dated 26.07.2023 passed by the learned Judicial Magistrate-II, Poonamallee, Tiruvallur District by



determined interim maintenance of Rs.15,000/- per month to the petitioners in CMP.no.2583 of 2022 in MC.No.08/2022.

2. It is the case of the 1st respondent that the marriage between her and the petitioner was solemnised on 01.09 and out of the wedlock, the 2nd and 3rd respondents were born. The petitioner had illegal relationship with another woman and lost so much funds from chit fund. The petitioner has not provided food, clothing, school fees, medical expenses to the respondents. Therefore, seeking maintenance at the hands of the petitioner, the first respondent has filed the petition before the court below. During pendency of the maintenance case, the respondents have filed petition for interim maintenance and the court below, based on the oral and documentary evidence, awarded a sum of Rs.15,000/- per month to the respondents till the disposal of the main case. Aggrieved by the same, the present revision has been filed.

3. Learned counsel appearing for the revision petitioner submitted that the revision petitioner is not having any means and he has lost his business due to the attitude of the first respondent. But she is working as Proof Reader in Leading newspaper and earning a sum of Rs.20,000/- per month. The petitioner



and the respondents are living under the same roof. Without appreciating the aforesaid fact, merely on the allegation of the 1st respondent, the maintenance has been fixed, which requires to be modified.

4. Though notice has been served, no one has appeared on behalf the respondents. Hence, the name of the respondents have printed in the cause list and this Court is inclined to dispose the matter based on the available records.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing for the petitioner and perused the materials available on record.

6. A careful perusal of the order passed by the court below reveals that the court below has taken into consideration the documentary evidence as also the deposition of the witnesses examined by the respondents and had come to the conclusion that only to deny the benefit of maintenance to the respondents, certain acts have been perpetrated by the revision petitioner. When the basis of such a finding is the deposition of the respondents, which has been rightly appreciated by the court below while awarding maintenance, the same does not



warrant any interference.

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7. Further, it has to be pointed out that it is the duty of the husband to maintain his wife and children and rightly appreciating the above, interim maintenance has been awarded by considering the means of the revision petitioner. The maintenance awarded is just and reasonable and the same does not require any interference.

8. In view of the above discussion, this Court directs the petitioner to pay the maintenance to the respondents as ordered by the Family Court, regularly on or before 7th of every English calendar month and also to pay the entire arrears of maintenance to the respondents within a period of four weeks from the date of receipt of a copy of this order. Further, this Court directs the learned Judge, Family court, to dispose of the main case as expeditiously as possible.

9. With the above directions, the Criminal Revision case is dismissed. Consequently, connected miscellaneous petition is closed.

08.04.2024



Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

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To

The Judicial Magistrate-II, Poonamallee, Tiruvallur District.



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6



M.DHANDAPANI,J.

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