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Crl.R.C.No.1291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1291 of 2024
and Crl.M.P.No.11252 of 2024

K.Shajan

... Petitioner

Vs.

1.S.Raziyabe @ Nooreshasmi
2.S.Arif

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 430 r/w. 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for records in M.P.No.792 of 2024 in M.C.No.394 of 2023 on the file of the III Additional Family Court at Chennai and examine the same and to set aside the order passed in M.P.No.792 of 2024 on 27.06.2024.

For Petitioner : Ms.G.Mageshwari
For Respondents : Mr.N.Saravanan

ORDER

The learned counsel for the petitioner produced the receipts and Demand Draft drawn in Indian Bank in favour of Mrs.S.Raziyabe vide



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DD.No.292152 dated 05.09.2024 for a sum of Rs.40,000/- to show that from 15.06.2023 the petitioner had been regularly paying Rs.10,000/- as maintenance. The demand draft was handed over to the learned counsel for the respondents and in total, the petitioner paid Rs.1,40,000/-. He would submit that the respondent vacated the premises at No.10, Parthasarathy Street, 4th Lane, Old Washermenpet, Chennai-600 021 without informing the petitioner and collected Rs.8 lakhs which the petitioner had given in lieu of the lease to the house owner.

2.The learned counsel for the respondent opposed the same stating that 10 sovereigns of jewels belong to the respondents is with the petitioner.

3.The learned counsel for the petitioner refuted the above contention made by the learned counsel for the respondent.

4.Both the petitioner and the respondent can make their submission and counter submission with regard to the disputed facts in M.C.No.394 of 2023.



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5. Now the issue before this Court is with regard to the order passed in M.P.No.792 of 2024 in M.C.No.394 of 2023 dated 27.06.2024 wherein the Lower Court directed the petitioner to pay Rs.10,000/- to the second respondent herein and Rs.25,000/- to the first respondent herein, in total, Rs.35,000/- ordered as interim maintenance till the disposal of maintenance case.

6. The learned counsel for the petitioner submits that interim maintenance application was filed during January 2024 and as submitted earlier, a sum of Rs.1,40,000/- was paid so far. He further submitted that the petitioner is a daily wager, now due to his age related ailments he is unable to perform his daily work and he has to take care of his elderly and sick parents.

7. In view of the above, both the learned counsel for the petitioner and the learned counsel for the respondent agreed that the interim maintenance can be fixed at Rs.20,000/- per month.



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8. Accordingly, the petitioner is directed to pay Rs.15,000/- per month to the first respondent S.Raziyabe @ Nooreshasmi towards interim maintenance and Rs.5,000/- per month to the second respondent S.Arif, in total, the petitioner is to pay Rs.20,000/- per month to the respondents, on or before 10th of every succeeding English Calendar month. As regards the other claim and counter claim, the petitioner and the respondent to work out the same before the III Additional Family Court, Chennai in M.C.No.394 of 2023.

9. With the above direction, the criminal revision petition stands disposed of. Consequently, connected miscellaneous petition is closed.

09.09.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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To

The III Additional Principal Judge,
III Additional Family Court,
Chennai.



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M.NIRMAL KUMAR, J.

cse

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