



CrI.O.P.No.26838 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.12.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.26838 of 2024

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1. Smt.J.Roshidha
2. Miss.P.Aimee Charis (Minor)
3. Minor P.Aaron,
represented by their mother and
natural guardian Smt.Roshidha

.. Petitioners

Vs.

Mr.T.Prakash Thurai

.. Respondent

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 482 of Cr.P.C)., to direct the District Munsif-cum-Judicial Magistrate, Thiruporur, Chengalpattu District, to dispose of the interim maintenance petition filed by the petitioners in C.M.P.No.16 of 2024 in M.C.No.10 of 2023 pending on the file of the District Munsif-cum-Judicial Magistrate, Thiruporur, Chengalpattu District, within the time as may be fixed by this Court.

For petitioners : Mr.M.Sarfudeen Ali Ahamed

For respondent : Mr.V.T.Narendiran



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ORDER

The present petition is filed praying to direct the District Munsif-cum-Judicial Magistrate, Thiruporur, Chengalpattu District, to dispose of the interim maintenance petition filed by the petitioners in C.M.P.No.16 of 2024 in M.C.No.10 of 2023, pending on the file of the District Munsif-cum-Judicial Magistrate, Thiruporur, Chengalpattu District, within the time as may be fixed by this Court.

2. The said M.C.No.10 of 2023 is filed for maintenance under Section 125 Cr.P.C., which itself is a summary procedure. It is settled law that the maintenance has to be decided by way of getting the statement of assets and liability from the parties and only thereafter, the Court can decide the matter.

3. Section 125 Cr.P.C. itself is only interim measurement till the party approaches the appropriate Court for getting permanent alimony.

4. The said C.M.P.No.16 of 2024 in M.C.No.10 of 2023 is filed for interim maintenance and pending the same, the wife and children have filed the present CrI.O.P. for the above said prayer.

5. This Court finds that this is a fit case to decide the maintenance case itself.

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6. Hence, the Court below is directed to get the affidavit/statement of assets and liabilities from both parties and decide the matter on merits and in accordance with law. If either party wants to lead evidence, it is open for them to lead evidence by marking documents alone and not for any other purpose.

7. Therefore, both parties are directed to file their respective affidavit/statement of assets and liabilities within 15 days from today and on receipt of the said affidavit/statement, the learned Magistrate is directed to dispose of the main maintenance case itself, on or before 24.01.2025, even though the Christmas vacation and Pongal holidays intervene.

8. With the above observations/direction, this Crl.O.P. is disposed of.

09.12.2024

CS

Office to note: Issue order copy on or before 11.12.2024

To

1. The District Munsif-cum-Judicial Magistrate, Thiruporur, Chengalpattu District.
2. The Public Prosecutor, High Court Madras.

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