



WEB COPY



Crl.R.C.No.2083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.2083 of 2023

and

Crl.M.P.No.19063 of 2023

M.Thirumalai

... Petitioner

Vs.

Vijayalakshmi

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, to set aside the order in Crl.M.P.No.603 of 2023 in M.C.No.07 of 2021 dated 11.08.2023 passed by the learned Judicial Magistrate, Vandavasi, Tiruvannamalai District.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.R.Thirumoorthy



Crl.R.C.No.2083 of 2023

WEB COPY

ORDER

The present criminal revision has been filed to set aside the order dated 11.08.2023, passed by the learned Judicial Magistrate, Vandavasi, Tiruvannamalai District, in Crl.M.P.No.603 of 2023 in M.C.No.07 of 2021.

2. The revision petitioner is the husband and the respondent is the wife. The marriage between the petitioner / husband and the respondent / wife was solemnized on 24.05.2002. Out of the wedlock, one male child was born and now he become major. Due to matrimonial dispute and misunderstanding between them, they were living separately. In the meantime, the respondent / wife filed a maintenance case in M.C.No.07 of 2021 on the file of the learned Judicial Magistrate at Vandavasi, Tiruvannamalai District seeking maintenance of Rs.20,000/- which was pending before the said Court. Pending the above main petition, the respondent / wife filed a petition under Section 125 (2) Cr.P.C in Crl.M.P.No.603 of 2023 seeking interim maintenance of Rs.20,000/. The



Crl.R.C.No.2083 of 2023

WEB COPY

learned Judge, after hearing both sides, disposed of the petition by directing the petitioner / husband to pay a sum of Rs.5,000/- to the respondent / wife every month on or before 5th of English calendar month, as monthly interim maintenance, during the pendency of the maintenance case. Challenging the said order, the petitioner / husband filed the present revision petition.

3. The learned counsel for the petitioner submitted that the petitioner is ready to pay the arrears of entire maintenance to the respondent. Hence, this Court, without going into the merits of the case, directs the learned Judicial Magistrate to dispose of the main case itself within a stipulated time as fixed by this Court.

4. The learned counsel for the respondent has no objection.

5. In view of the limited request made by the learned counsel for the petitioner and considering the cost of living prevailing as on date, the maintenance amount awarded by the learned Judicial Magistrate is just and



Crl.R.C.No.2083 of 2023

reasonable and no interference is required. This Court directs the petitioner to pay a sum of Rs.5,000/- as interim maintenance to the respondent as ordered by the learned Judicial Magistrate, Vandavasi, Tiruvannamalai, regularly on or before 7th of every English calendar month and to pay the entire arrears of maintenance to the respondent within a period of four weeks from the date of receipt of a copy of this order and produce necessary proof before the said Court. After producing the proof, the learned Judicial Magistrate shall dispose of the main case, i.e., M.C.No.07 of 2021 within a period of three months thereafter.

6. The criminal revision petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

03.04.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



CrI.R.C.No.2083 of 2023

WEB COPY

To

The learned Judicial Magistrate,
Vandavasi,
Tiruvannamalai District.



WEB COPY



Crl.R.C.No.2083 of 2023

M.DHANDAPANI, J.

vji

**Crl.R.C.No.2083 of 2023
and
Crl.M.P.No.19063 of 2023**

03.04.2024