



Crl.R.C.No.844 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

Crl.R.C.No.844 of 2024
and Crl.M.P.No.7545 of 2024

A.Saravanakumar

.... Petitioner

Versus

1. Vaishali

2. Minor Serah Ann

.... Respondents

Prayer: The Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 26.10.2022 on the file of the District Munsif-cum-Judicial Magistrate, Ranipet District, made in M.C.No.8 of 2021.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.T.Sundaravadanam

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ORDER

The present Criminal Revision Case has been filed to set aside the order dated 26.10.2022 on the file of the District Munsif-cum-Judicial Magistrate, Ranipet District, made in M.C.No.8 of 2021.

2. The case of the petitioner is that the petitioner is the husband and the first respondent is the wife and the marriage between them was solemnised on 26.04.2019 at "Hope A.G.Church, Pallikaranai, Chennai" and they were blessed with the second respondent female baby in the year 2020. Thereafter, there was a matrimonial dispute between them and hence, the petitioner has not taken care of the respondents and thereby, the first respondent filed a Maintenance Case under Section 125 Cr.P.C. However, it is alleged that without giving any opportunity to the petitioner, the *ex parte* order was passed vide order dated 26.10.2022 in M.C.No.8 of 2021. Challenging the same, the present Criminal Revision Case has been filed.



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3. The learned counsel appearing for the petitioner would submit that the petitioner has already filed a petition before the trial Court to set aside the *ex parte* order and the same was dismissed by the trial Court vide order dated 06.07.2021 in C.M.P.No.2443 of 2021. Against which, the petitioner has filed a petition before this Court with condone delay petition and the same was dismissed as withdrawn vide order dated 05.06.2024 in Crl.R.C.No.575 of 2024. Now, the present petition is filed to set aside the order dated 26.10.2022 on the file of the District Munsif-cum-Judicial Magistrate, Ranipet District, made in M.C.No.8 of 2021.

4. The learned counsel appearing for the petitioner would submit that without providing an opportunity to the petitioner to put forth his case, the trial Court has passed the *ex parte* order as against the petitioner, which is clear violation of principles of natural justice and not sustainable in law.

5. The learned counsel appearing for the respondents would submit that the petitioner was previously working at Denmark and is



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presently working in M/s.Tata Consultancy Service at Taramani, Chennai, as Programmer, and is earning a sum of Rs.75,000/- per month. After adjudication, the trial Court ordered a meagre amount of Rs.10,000/- to the first respondent and a sum of Rs.5,000/- to the second respondent, which is not reasonable and all the petitioner and the respondents are residing in Ranipet District. Accordingly, he prayed for dismissal of this petition.

6. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial. However, considering the plight of the first and second respondents, this Court is inclined to fix an interim maintenance for a sum of Rs.10,000/- to the first respondent and a sum of Rs.5,000/- to the second respondent and the order passed by the District Munsif-cum-Judicial Magistrate, Ranipet District, dated 26.10.2022 in M.C.No.8 of 2021 is set aside and remanded the matter back to the trial Court to decide the issue after providing an opportunity to both the parties and also after perusing the assets and liabilities produced by the petitioner and the respondents. The petitioner is directed to deposit the entire arrear



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amount at the rate of Rs.15,000/- per month within a period of four weeks from the date of receipt of a copy of this order and continue to pay a sum of Rs.15,000/- (Rs.10,000/- to the first respondent and Rs.5,000/- to the second respondent) to the respondents on or before 7th day of every calendar month till conclusion of the Maintenance Case.

With the above directions, this Criminal Revision Case is allowed. Consequently, the connected Miscellaneous Petition is closed.

05.06.2024

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To

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



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M. DHANDAPANI, J.

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