



Crl.R.C.(MD)No.399 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2024

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.399 of 2024

Senthil Kannan

... Petitioner/Respondent/Respondent

Vs.

1.Suriya Gandhi

2.Minor Makildhan

*(The 2nd respondent is a minor
represented by her mother and*

Natural guardian 1st respondent herein)

... Respondents/Respondents

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for records and set aside the order passed by the Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District in Crl.M.P.No.4277 of 2023 in M.C.No.13 of 2022 on 28.06.2023 and allow this Criminal Revision Petition.

For Petitioner : Mr.M.Jothi Basu

For Respondents : M/s.Lakshmi Gopinathan for
M/s.Polax Legal Solutions



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ORDER

This Criminal Revision case has been filed to call for records and set aside the order passed by the Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District in Crl.M.P.No.4277 of 2023 in M.C.No.13 of 2022 on 28.06.2023 and allow this Criminal Revision Petition.

2. The first respondent married the petitioner on 25.03.2010. Thereafter, out of wedlock, the second respondent was born on 13.08.2016. Due to some dispute between them, they got separated and hence the respondent filed a maintenance petition in M.C.No.13 of 2022 on the file of the learned Judicial Magistrate No.II, Virudhunagar. During the pendency, she filed a interim maintenance petition in Crl.M.P.No.4277 of 2023. The said petition was allowed after hearing both the parties and the learned trial Judge directed the Revision petitioner to pay a sum of Rs.10,000/- each by an impugned order. Challenging the same, he filed this revision petition before this Court.

3. The learned Counsel for the petitioner submits that the first respondent is also a software engineer and she is also working. Hence the award passed in the interim maintenance is not correct and he seeks interference of this order.



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4. The learned Counsel on behalf of the respondents submits that the first respondent is suffering from ophthalmic problem and the allegation that she is working is not correct and also stated that she is continuously taking treatment in Aravind Eye Hospital in Madurai. The learned Counsel further submits that considering the educational expenditure, she is incurring, the interim maintenance is in accordance with law.

5. This Court has considered the rival submissions made by both sides and perused the records.

6. The interim maintenance was granted by the learned trial Judge, after considering the facts that the petitioner was working as a software engineer. There is no denial to that effect. Even though, the petitioner contested vehemently before the trial Court, but, considering all the issues, the learned trial Judge granted interim maintenance. The second respondent is a male child and he is studying 1st Standard in Kendriya Vidyalaya School in Madurai.

7. Evaluating the circumstances, this Court reduces the interim maintenance granted by the Court below from Rs.10,000/- to Rs.7,500/- each. The petitioner is strictly directed to pay the arrears. The petitioner is also



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directed to take “Demand Draft” for the remaining amount at the rate of Rs.7,500/- each and produce the same before the next hearing date on 08.07.2024 before the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District. On receipt of the Demand Draft, the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District is directed to complete the proceedings in M.C.No.13 of 2022 within a period of two months from the date of receipt of a copy of this order. In the mean time, the petitioner is directed to pay a sum of Rs.7,500/- for two months as per of the order of this Court, till the disposal of the proceedings in M.C.No.13 of 2022, failing which, the order passed in Crl.M.P.No.4277 of 2023 in M.C.No.13 of 2022, by the Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District, shall be automatically restored.

8. With the above directions, this Criminal Revision petition is partly allowed.

01.07.2024

NCC: Yes/No
Index: Yes/No
Internet: Yes/No

RJR

Note: Issue order Copy on 05.07.2024.



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To

- 1) The learned Judicial Magistrate Court No.II,
Virudhunagar, Virudhunagar District.
- 2)The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

RJR

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