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Crl.R.C.No.333 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.333 of 2025

1.K.Nazia Nafeez
2.Amar Prakash
3.Akhil Prakash

(2nd and 3rd petitioners are represented by mother
and natural guardian, 1st petitioner)

... Petitioners

..vs..

R.Prakash Narayanan

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 of BNSS Act, 2023, to set aside the order dated 31.12.2024 in M.P.No.817 of 2023 in M.C.No.44 of 2023 on the file of the III Additional Principal Family Court, Chennai and enhance the interim maintenance amount and grant Rs.20,000/- per month for the 1st petitioner and Rs.30,000/- per month to the second petitioner and Rs.15,000/- per month to the third petitioner and grant Rs.1,00,000/- for litigation expenses.

For Petitioner : Ms.L.Margaret



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ORDER

This Criminal Revision Petition is filed to set aside the order dated 31.12.2024 passed in M.P.No.817 of 2023 in M.C.No.44 of 2023 by the III Additional Principal Judge, Chennai, and enhance the interim maintenance amount and grant Rs.20,000/- per month to the first petitioner, Rs.30,000/- per month to the second petitioner and Rs.15,000/- per month to the third petitioner and grant Rs.1,00,000/- for litigation expenses.

2. The first petitioner is the wife and petitioners 2 and 3 are minor sons of the respondent-husband. The petitioners filed a maintenance case in M.C.No.44 of 2023 before the III Additional Principal Family Court, Chennai under Section 125 Cr.P.C., seeking maintenance. Pending maintenance case, the petitioners filed a miscellaneous petition in M.P.No.817 of 2023 before the Court below seeking interim maintenance. The learned III Additional Principal Judge, after appreciating the entire materials, ordered a sum of Rs.15,000/- per month to the second petitioner and Rs.7,500/- per month to the third respondent as interim maintenance and as far as interim maintenance of the first



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petitioner-wife is concerned, the Court below dismissed the petition.

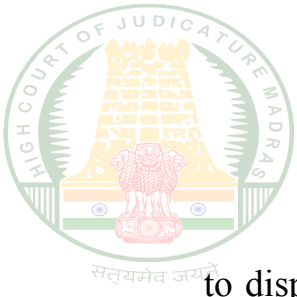
Aggrieved by the same, the petitioners have filed the present revision.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. First of all, the present revision petition filed by the petitioners, is not maintainable, as the impugned order is not a final order and it is only an interlocutory order. It is settled proposition of law that the revision would not lie against any interlocutory application/interim order. Hence, this Court finds that there is no merit in the present revision petition and the same is liable to be dismissed as not maintainable, as the impugned order is only an interlocutory order and not final order having been passed in the main maintenance case, as the main case is still pending.

5. It is seen that the maintenance case is pending from the year 2023. The object and scope of Section 125 Cr.P.C. itself are that the maintenance case has to be summarily decided within a possible short span of time.

6. The learned III Additional Principal Judge, Chennai, is directed



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to dispose of the maintenance case in M.C.No.44 of 2023 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is made clear that no extension of time would be granted to dispose of the maintenance case. If the Family Court do not understand the scope of Section 125 Cr.P.C and to dispose of the matter within a stipulated time, the same will be viewed seriously.

7. With the above observations and directions, this Criminal Revision Petition is dismissed.

05.03.2025

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

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



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P.VELMURUGAN, J.

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