



CRL.RC.No.771 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.771 of 2025

E.Rajendran

... Petitioner

Versus

1.B.Mohana

2.R.Oviya

...

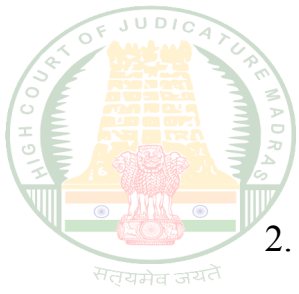
Respondents

PRAYER: Criminal Revision Case has been filed under Section 401 of Cr.P.C., praying to set aside and modify the condition imposed in order passed in CMP.No.2495 of 2023 in MC.No.8 of 2021 order dated 02.12.2023 on the file of the Judicial Magistrate Court at Thiruvottiyur.

For Petitioner : Mr.S.Ramajayam

ORDER

This criminal revision case has been filed against the order dated 02.12.2023 passed in CMP.No.2495 of 2023 in MC.No.8 of 2021 on the file of the Judicial Magistrate Court at Thiruvottiyur, thereby the petitioner was ordered to pay maintenance of Rs.5,000/- to each of the respondents.

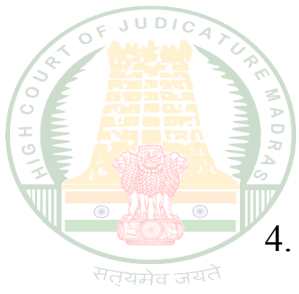


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2. The first respondent married the petitioner and gave birth to the

second respondent. Thereafter, they had misunderstanding and as such, the respondents were driven out from the matrimonial house and they are living separately. Therefore, they could not maintain themselves. As such, they filed a maintenance case in MC.No.8 of 2021 on the file of the Judicial Magistrate Court at Thiruvottiyur. Pending the maintenance case, the respondents filed a petition in CMP.No.2495 of 2023 seeking interim maintenance, wherein the impugned order was passed directing the petitioner to pay a sum of Rs.5,000/- per month to each of the respondents as interim maintenance till the disposal of the aforementioned maintenance case.

3. The learned counsel for the petitioner would submit that though the petitioner is earning Rs.42,000/- per month, he is repaying EMI to the tune of Rs.20,000/- per month towards a loan. Therefore, the petitioner could not pay interim maintenance awarded by the trial court. He further submitted that though the petitioner is ready and willing to live together with the first respondent, she is not agreeing for the same without any reason. Further, the petitioner has also filed a petition for restitution of conjugal rights, which is now pending.



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4. Considering the facts and circumstances, this Court finds no infirmity or illegality in the impugned order. However, this Court is inclined to reduce the quantum of interim maintenance to the tune of Rs.4,000/- p.m. each to the respondents. Accordingly, the impugned order passed by the Judicial Magistrate Court at Thiruvottiyur is modified to the effect that “the petitioner shall pay interim maintenance of Rs.4,000/- per month to each of the respondents till the disposal of the maintenance case. The trial court is directed to dispose of the maintenance case in MC.No.8 of 2021 within a period of three months from the date of receipt of copy of this order.

5. With the above direction, this criminal revision case stands partly allowed.

18.06.2025

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN. J,



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To
The Judicial Magistrate Court at Thiruvottiur.

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