



Crl.R.C.No.1293 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM:

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

Crl.R.C.No.1293 of 2025

S.Shivathalil

... Petitioner

Vs.

1.S.D.Rithwik Mano(Minor)
2.S.D.Sithwik Mano (Minor)
represented by mother S.Divya

... Respondents

PRAYER: Criminal Revision filed under Section 438 r/w S.442 of the Bharathiya Nagarik Suraksha Sanhita, 2023 to aside the impugned order dated 23.05.2025 passed in Crl.M.P No.135 of 2025 in M.C No.27 of 2024 by the Judicial Magistrate, Additional Mahila Court, Alandur.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.G.M.Gokul Ram

ORDER

This criminal revision has been preferred as against the order of interim maintenance passed in Crl.M.P No.135 of 2025 in M.C No.27 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Alandur dated 23.05.2025.



WEB COPY 2. The petitioner is the father of the respondents herein. The petitioner got married the respondents' own mother and gave birth to the respondents. Thereafter, due to misunderstanding between the petitioner and his wife, they got separated. Now, the respondents are living with the petitioner's wife. Therefore, the mother could not able to maintain them and as such, they filed a petition under Section 125 of Cr.P.C. While pending the maintenance case, the respondents filed a petition for interim maintenance seeking Rs.50,000/- as interim maintenance. However, the trial Court ordered interim maintenance of Rs.30,000/- each to the respondents, without even let in evidence, mechanically.

3. The learned counsel for the petitioner would submit that already the petitioner is maintaining the respondents by paying Rs.10,000/- each to the respondents and he is ready and willing to continue to make such payment. He would further submit that the petitioner is working as Assistant Post Master and he is only receiving Rs.45,000/- per month as salary. He has no means to pay such a huge amount of Rs.30,000/- each as interim maintenance in favour of the respondents. Though the respondents averred that the petitioner is



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earning Rs.10,00,000/- per month through his business, he has nothing to do with the said business and whatever the business mentioned is belonged to his family.

4. Per contra, the learned counsel for the respondents would submit that though the petitioner is working as Assistant Post Master, he is earning Rs.10,00,000/- per month through his business.

5. These are all matters for trial and evidence is admissible. Therefore, the trial Court ought not to have awarded huge amount of Rs.60,000/- as monthly maintenance to the respondents, that too, without any proof of income of the petitioner herein. In view of the above, this Court is inclined to reduce the monthly maintenance from Rs.60,000/- to Rs.20,000/- and accordingly, the petitioner is directed to pay a sum of Rs.10,000/- to each of the respondents till the final disposal of the maintenance case. The trial Court /Judicial Magistrate, Additional Mahila Court, Alandur, is directed to complete the trial and dispose the M.C No.27 of 2024, within a period of six months from the date of receipt of a copy of this order.



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6. With the above direction, this Criminal Revision is partly

allowed.

01.8..2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

To

The Judicial Magistrate, Additional Mahila Court, Alandur.



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G.K.ILANTHIRAIYAN, J.
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