



Crl.RC No.1867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1867 of 2024

1. S.Brindha
2. T.P.Rithanya ... Petitioners

Vs.

Prabhu A.S.T. ... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Cr.P.C. / 438 r/w 442 of BNSS, to set aside the dated 28.08.2024 passed in Crl.M.P.No.1075 of 2024 in M.C.No.11 of 2021 by the learned Judicial Magistrate II, Ponneri.

For Petitioners : Mr.A.J.Alwyn Prabakar

For Respondent : Mrs.Manjula Chavan

ORDER

The Criminal Revision Case challenges the order dated 28.08.2024 passed by the learned Judicial Magistrate II, Ponneri, in Crl.M.P.No.1075 of 2024 in M.C.No.11 of 2021 and seeks enhancement of the maintenance awarded to the 2nd petitioner.



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2. The learned counsel for the petitioners would submit that though the he is aggrieved by the impugned order denying interim maintenance to the 1st petitioner/wife, the said issue can be decided at the time of maintenance case and sought for enhancement of maintenance in so far as the 2nd petitioner/daughter is concerned, considering the status of the parties.

3. The learned counsel for the respondent however submitted that the 1st petitioner is employed and therefore the petition seeking maintenance is not maintainable and the impugned order directing payment of Rs.5,000/- to the petitioner is just and reasonable.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Though, the claim of the petitioners that the respondent is earning 350,000 USD per annum, is disputed by the respondent, it is seen that admittedly the petitioners and the respondent lived in USA for



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some time and considering the status of parties, this Court is of the view that till the matter is finally adjudicated in M.C.No.11 of 2021 by the learned Judicial Magistrate II, Ponneri, the respondent can be directed to pay Rs.10,000/- per month as interim maintenance to the 2nd petitioner.

6. Accordingly, the Criminal Revision Case is disposed of with a direction to the respondent to pay Rs.10,000/- per month to the 2nd petitioner, on or before 5th day of every English calendar month. It is made clear that the said amount has to be paid from the date of this order until the disposal of the Maintenance case in M.C.No.11 of 2021 on the file of the learned Judicial Magistrate II, Ponneri. The learned Magistrate may dispose of the Maintenance case as expeditiously as possible.

29.01.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.
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To
1. The Judicial Magistrate No.II, Ponneri.

2. Prabhu.A.S.T
S/o. Late Thavamani, No.38/515, 23rd Cross Street, Thiruvallur Nagar,



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Thiruvananthapuram, Chennai – 600 041.

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SUNDER MOHAN, J.

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