



Crl.R.C.No.2025 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2025 of 2024 and
Crl.M.P.No.16469 of 2024

1.Maria Vasanthi
2.Minor.Fiona.J, D/o.Mr.Joepeline Prakash,
Represented by her next friend mother and
natural guardian Mrs.Maria Vasanthi. ... Petitioners

Vs.

Joepeline Prakash ... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records in the order dated 30.08.2024 in Crl.M.P.No.628 of 2024 in M.C.No.31 of 2023 on the file of the learned Judicial Magistrate-I, Tambaram, and set aside the order dated 30.08.2024 by allowing the interim maintenance Crl.M.P.No.628 of 2024 as prayed for.

For Petitioners : Mr.S.Mohana Sundara Rajan

For Respondent : Mr.R.Chittibabu



Crl.R.C.No.2025 of 2024

ORDER

WEB COPY

This Criminal Revision Case has been filed challenging the impugned order, dated 30.08.2024 in Crl.M.P.No.628 of 2024 in M.C.No.31 of 2023 passed by the learned Judicial Magistrate No.I, Tambaram directing the respondent herein to pay a sum of Rs.6,000/- per month to the 2nd petitioner.

2.The learned counsel for the petitioner would submit that by the impugned order, the interim maintenance was not granted to the 1st petitioner since at that point of time, she was working as a Teacher and now she has lost her job and hence, this Court may award interim maintenance to the 1st petitioner and enhance the interim maintenance awarded to the 2nd petitioner.

3.The learned counsel for the respondent, however, denies the fact that the 1st petitioner has lost her job and would submit that the 1st petitioner is still employed; that the respondent had paid a total sum of Rs.4,37,000/- towards education and other expenses of the 2nd petitioner; and that therefore the order granting interim maintenance at the rate of Rs.6,000/-



per month to the 2nd petitioner is just and reasonable and no interference is called for.

4.This Court is of the view that considering the nature of the employment and income earned by the respondent, the interim maintenance awarded to the 2nd petitioner can be enhanced to Rs.10,000/-. Accordingly, the interim maintenance awarded to the 2nd petitioner is enhanced to Rs.10,000/- which shall be paid by the respondent from the date of this order. However, it is made clear that the respondent is liable to pay arrears to the 2nd petitioner at the rate of Rs.6,000/- per month calculated from the date of the petition before the Trial Court till this date. It is needless to say that any amount paid towards interim maintenance by the respondent shall be adjusted and the respondent would be liable to pay the balance towards arrears.

5.As regards the 1st petitioner, since the fact of the 1st petitioner's employment is disputed, this Court is of the view that this issue can be decided in the maintenance case and hence, the impugned order of the



Crl.R.C.No.2025 of 2024

learned Magistrate refusing to grant maintenance to the 1st petitioner is confirmed. The learned Judicial Magistrate No.I, Tambaram may dispose of the maintenance case in M.C.No.31 of 2023 as expeditiously as possible.

6.In view of the above, this Criminal Revision Case stands disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

08.01.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No

vv2

To

The Judicial Magistrate No.I,
Tambaram.



WEB COPY



Crl.R.C.No.2025 of 2024

SUNDER MOHAN, J.

vv2

Crl.R.C.No.2025 of 2024

08.01.2025