



Crl.R.C.No.1428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

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

**Crl.R.C.No.1428 of 2025**  
**and Crl.M.P.No.15522 of 2025**

Rathinavel

... Petitioner

Vs

1. Minor.Sri Priya  
Represented By Mother Suseela

2. Minor.Jeevadesh  
Represented By Mother Suseela

... Respondents

**PRAYER:** Criminal Revision Case is filed under Section 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 30.08.2024 passed in CMP No.56 of 2024 in M.C.No.8 of 2024 on the file of the Chief Judicial Magistrate, Tirupattur, Tirupattur District.

For Petitioner : Mr.P.A.Sudesh Kumar  
For Respondents : Mrs.Ezhijabeth Ravi

**ORDER**

This Criminal Revision has been filed to set aside the order dated 30.08.2024 passed in CMP No.56 of 2024 in M.C.No.8 of 2024 on the file of the Chief Judicial Magistrate, Tirupattur, Tirupattur District, thereby ordering interim maintenance to the respondents.

2. Heard both sides and perused the materials placed on record.



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3. The petitioner got married to the mother of the respondents on 15.08.1997 and gave birth to the respondents herein. Thereafter, due to misunderstanding between them, the respondents were driven out from the matrimonial home. Hence, they are living separately and they could not maintain themselves. Therefore, the respondents filed a petition for maintenance in M.C.No.8 of 2024. Pending maintenance case, the respondents filed a petition seeking interim maintenance of Rs.6000/-. The Trial Court awarded interim maintenance of Rs.3000/- in favour of each of the respondents payable by the petitioner. Aggrieved by the same, this revision.

4. The learned counsel for the petitioner would submit that the petitioner filed a counter in the maintenance case, alleging that the mother of the respondents is having adultery relationship with other person and the birth of the second respondent herein is in dispute. Even then, the Trial Court ordered for interim maintenance.

5. A perusal of records revealed that the petitioner filed a counter and in the form of counter, he had alleged that the mother of the respondents is



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having adultery relationship with some other person and disputing the birth of the second respondent herein. These allegations have to be proved before the trial Court by letting in evidence. Therefore, these grounds cannot be considered while ordering interim maintenance. That apart, the Trial Court awarded only a sum of Rs.3000/- each as interim maintenance and it is very meager.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 30.08.2024 passed in CMP No.56 of 2024 in M.C.No.8 of 2024 on the file of the Chief Judicial Magistrate, Tirupattur, Tirupattur District.

7. Accordingly, the Criminal Revision Case stands dismissed. Consequently, connected Miscellaneous petition is closed.

18.08.2025

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
mn



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**G.K.ILANTHIRAIYAN. J.**

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To

The Chief Judicial Magistrate, Tirupattur,  
Tirupattur District.

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18.08.2025