

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.431 of 2010
and
M.P.No.1 of 2010

Abdul Lathif .. Petitioner
Versus
Hajira Begum ... Respondent

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. as against the order dated 31.08.2009 passed by the learned Judge, Family Court, Puducherry in M.C.No.34 of 2006.

For Petitioner : Mr.S.Vediappan
For Respondent : Mr.S.Sridharan
(Legal Aid Counsel)

ORDER

The petitioner has come forward with this Criminal Revision case as against the order dated 04.04.2008 passed by the learned District Munsif cum Judicial Magistrate, Kodumudi in M.C.No.2 of 2007.

2. The brief facts of the case is as follows:

The respondent/wife filed a petition under Section 125 of the Criminal Procedure Code claiming maintenance from the petitioner/husband in a sum of Rs.3,000/- per month. The Court below ordered the said petition by awarding a sum of Rs.1,500/- per month payable by the petitioner/husband to the respondent/wife. Challenging the same, the present revision is filed.

3. Learned counsel for the petitioner would submit that the respondent/wife has pronounced 'talaq' as per the Muslim Personal Law and it was also informed to the President of Kottakuppam Jamiya Mazjid, where the marriage between the petitioner and respondent was performed. He would submit that after the relationship of the petitioner and the respondent is broken, the respondent/wife has filed the petition before the Court below seeking maintenance. However, the court below without considering the said fact ordered maintenance, warranting interference in this revision.

4. Heard Mr.S.Sridharan, learned counsel appearing for the respondent/wife, who is a legal aid counsel.

5. When the matter is taken up today, the learned counsel for the petitioner/husband would fairly submit that instead of paying monthly maintenance in a sum of Rs.1,500/- per month, the petitioner is willing to deposit a sum of Rs.2,50,000/- [Rupees two lakhs and fifty thousand only] in a fixed deposit, for which course, the respondent/wife has also mutually agreed. He would further submit that if at any time, the respondent/wife is re-married, he may be permitted to encash the said Fixed Deposit.

6. Heard both sides and perused the records.

7. The only point raised by the petitioner before this Court in this Criminal Revision Case is that, instead of paying monthly maintenance in a sum of Rs.1,500/- per month as ordered by the Court below, the petitioner is willing to deposit a sum of Rs.2,50,000/- in one lump sum in a Nationalised Bank for a period of five years.

8. In view of the said submission made, without going into the merits of the matter, the following order is passed:

(i) The petitioner/husband is directed to deposit a sum of Rs.2,50,000/- [Rupees two lakhs and fifty thousand only] in an interest bearing Fixed Deposit in any one of the Nationalised Bank in the joint name of the petitioner and the respondent, initially for a period of five years without any recourse for withdrawal, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) The Fixed Deposit Receipt shall be kept in the custody of the petitioner/husband.

(iii) The respondent/wife is permitted to withdraw only the interest accrued every month.

(iv) In the event of the respondent/wife at any time re-marries, she shall make an endorsement in the Fixed Deposit Receipt and on such endorsement being made, the petitioner/husband shall withdraw the entire amount deposited. It is also made clear that the petitioner/husband shall file an affidavit of undertaking before this Court that he will not encash the Fixed Deposit at any time during the lock-in period.

(v) However, if the respondent/wife has not re-married, then the entire amount of Rs.2,50,000/- [Rupees two lakhs and fifty thousand only] shall be paid to her immediately by closing the Fixed Deposit account for which the husband/petitioner will co-operate and make due discharge in the Fixed Deposit.

9. The services rendered by the Legal Aid Counsel, Mr.S.Sridharan is appreciated and the same is placed on record.

10. With the above direction, this Criminal Revision Case is disposed of. Consequently, the connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR (CS-VI)

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SUB-ASSISTANT REGISTRAR

vj2

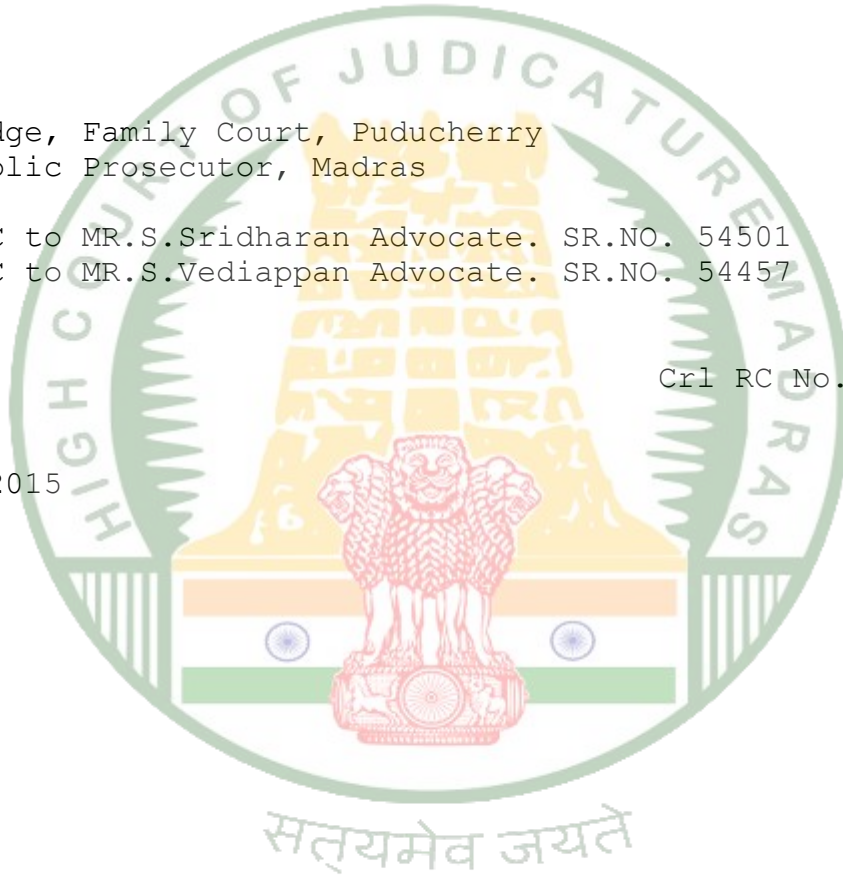
To

1. The Judge, Family Court, Puducherry
2. The Public Prosecutor, Madras

+3 CC to MR.S.Sridharan Advocate. SR.NO. 54501
+1 CC to MR.S.Vediappan Advocate. SR.NO. 54457

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CO-CA
JD 18/11/2015



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