



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.06.2016
CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

Crl.R.C.(MD)No.620 and 621 of 2015
and
M.P.(MD).Nos.1&1 of 2015 and
Crl.M.P.(MD).Nos. 2089 & 2088 of 2016

Marimuthu ... Petitioner in both cases
Vs.

Pandeeswari ... Respondent in both cases

Common Prayer: These Criminal Revision Petitions are filed under Section 397 r/w. 401 Cr.P.C., praying to call for the records relating to the petition and order dated 05.12.2015 made in Crl.M.P.Nos.79 and 80 of 2015 in M.C.No.51 of 2012 on the file of the Family Court, Madurai, set aside the same and allow this criminal revision petition.

For Petitioner : Mrs. Mahalakshmi
for M/s.P.Santhoshkumar in both cases
For respondent : Mr. C.D.Johnson
in both cases

COMMON ORDER

Both revision petitions are connected and the parties are same, so common order is passed.

2. These revision petitions have been preferred by the husband of the respondent, challenging the order of the Family Court, Madurai, dated 05.12.2015, where under the learned Judge has directed arrest of the revision petitioner by 28.12.2015. The revision petitioner is the husband of the respondent. The respondent herein filed M.C.No.51 of 2012 before the Family Court, Madurai, seeking maintenance under Section 125 Cr.P.C.

3. On 12.11.2014, the learned Judge, Family Court, Madurai passed exparte order directing him to pay Rs.3,000/- per month to his wife as maintenance w.e.f., January 2013. The revision petitioner filed delay condoned petition. The respondent filed Crl.M.P.Nos.79 and 80 of 2015 in M.C.No.51 of 2012 to collect the arrears of maintenance. The learned Judge, Family Court, Madurai passed the impugned order, which reads as follows:



"Counter not filed. Payment not made arrest by 28.12.2015."

4. The said order is being challenged by the revision petitioner herein.

5. The learned counsel for the revision petitioner submitted that total arrears is Rs.72,000/-, already Rs.12,000/- has been paid, balance is only 60,000/-. The revision petitioner is a poor gold smith. He has to make arrangements for paying the amount. He need two months time to pay the arrears amount.

6. The learned counsel for the respondent/wife submitted that he has sufficient money, purposely he is delaying the payment.

7. The respondent shall have the benefit of the maintenance amount. At the same time, the revision petitioner shall be enabled to pay the amount.

8. In the circumstances, ordered as under:

(i) The order of the learned Judge, Family Court, Madurai dated 05.12.2015 passed in Crl.M.P.Nos.79 and 80 of 2015 is set aside.

(ii) The revision petitioner shall pay Rs.30,000/- within one month from today and the balance arrears of Rs.30,000/- shall be paid by him within next month.

(iii) It is made clear that the regular payment of Rs.3,000/- p.m. as ordered has to be regularly paid.

9. Accordingly these revision petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

The Judge, Family Court, Madurai.

+1 cc to M/s.C.D.Johnson, Advocate in SR.No.28434

PJL

CSL/DB/22.06.2016 : 2P/3C

**Crl.R.C. (MD) Nos.620 and
621 of 2015**