

ORDER RESERVED ON:17.07.2017
ORDER DELIVERED ON:07.11.2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

Crl.R.C.No.599 of 2017 and
Crl.M.P.No.5321 of 2017

V.B.Kamalanathan

... Petitioner

Vs.

1.K.Jayasree

2.Minor. K.Chandra Bommi

3.Minor. K.Chandra Lakshmi

(Minors 2 & 3 are rep. By their mother
and natural guardian (1st respondent)

... Respondents

Petition filed under Section 397 r/w 401 of Cr.P.C against the order dated 24.03.2017 made in M.P.No.198 of 2016 in M.P.No.495 of 2012 in M.C.No.145 of 2012 on the file of the II Addl. Family Court, Chennai.

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For Petitioner :

Mr.A.S.Narasimhan

For Respondents :

Mr. Packiaraj for
Ms. P.J.Anitha

ORDER

This revision case has been filed challenging the order passed by the II Additional Family Court at Chennai at 24.3.2017 made in M.P.No.198 of 2016 in M.C.No.145 of 2012.

2. The necessary facts which are required to be noticed for the disposal of this revision case are as follows:

(i) The petitioner herein is the husband and the first respondent is his wife and the second and third respondents are his minor children. The wife filed a maintenance case in M.C.No.145 of 2012 on the file of the aforesaid Court under Section 125 of Code of Criminal Procedure (hereinafter referred to as, 'the Code'). During the pendency of the said maintenance case, since the husband did not maintain the wife and children, and due to which, since the wife and children were suffering to maintain themselves, the wife filed an interim application in M.P.No.495 of 2012 in the said M.C.No.145 of 2012 seeking for interim maintenance from the husband.

(ii) M.P.No.495 of 2012 seeking for interim maintenance was heard and decided by the learned Judge by order dated 02.03.2015. In the said order, the learned Judge directed the husband to pay a sum of Rs.10,000/- each for the wife and two children, altogether a total sum of Rs.30,000/- per month as interim maintenance to the wife and

children, from the date of the petition i.e., from 01.08.2012.

(iii) Inspite of the said order of interim maintenance having been passed by the learned Judge as set out above, since the husband did not come forward to make the payment, as alleged by the wife, the wife filed yet another petition in M.P.No.198 of 2016 in M.P.No.495 of 2012 in M.C.No.145 of 2012 under Section 125(3) of the Code to seek for a direction directing the husband to make the payment of arrears for the period between 01.08.2012 and 30.4.2015, i.e., for 33 months at the rate of Rs.30,000/- per month and a total sum of Rs.9.30,000/-. This petition under Section 125(3) of the Code was filed by the wife on 21.5.2015.

(iv) It seems that in this petition i.e., M.P.No.198 of 2016, since the husband did not appear before the Court on the hearing date, the learned Judge by order dated 17.3.2016, ordered arrest of the husband, by 31.5.2016.

(v) Challenging the said order of arrest passed by the learned Judge by order dated 17.3.2016, the husband preferred a revision case before this Court in CrI.R.C.No.624 of 2016 on the ground that the husband was not given a chance of filing a counter before the Court below, and since the learned Judge passed a cryptic order of arrest without disclosing any reason for the same, the said revision

i.e., Crl.R.C.No.624 of 2016 was heard and finally decided by this Court by order dated 29.4.2016 whereby, the learned Judge of this Court set aside the said order of arrest and remanded the matter to the trial Court to rehear the issue by affording an opportunity of filing a counter and to adduce evidence if any, by both sides and thereafter, to pass a reasoned speaking order, afresh in a qualitative and quantitative terms in a dispassionate manner and that too with open mind by adhering to the principles of natural justice within a period of four weeks from the date of receipt of a copy of that order.

(vi) Only pursuant to the orders of this Court, the husband had filed counter in M.P.No.198 of 2016. In the said counter, the husband raised a primary objection that M.P.No.198 of 2016 was not maintainable, because, as against the order passed in M.P.No.495 of 2012 directing the husband to pay a sum of Rs.30,000/- to the wife and children it was already challenged before this Court in Crl.RC.No.516 of 2015 and the same was pending before this Court and in view of the same, since no finality was reached in the said Crl.RC.No.516 of 2015, the present petition in M.P.No.198 of 2016 filed seeking direction from the trial Court to the husband to make a payment of arrears of interim maintenance which was a subject matter in the said Crl.RC.No.516 of 2015.

(vii) This apart, the husband also claimed in the said counter affidavit that, the husband is paying a sum of Rs.7,500/- to the wife and children for maintenance and also the husband claimed that the said payment of Rs.7,500/- is being made to the wife and children by way of daily payment of Rs.250/- which was originally of Rs.200/- subsequently, has been enhanced to Rs.250/- and since this factor is an admitted one on the side of the wife and children, this should be taken into account by the trial Court, while deciding the petition in M.P.No.198 of 2016.

(viii) The learned Judge after having taken into account the defence taken through the counter affidavit filed by the husband, as well as the claim made by the wife and children in the MP, has ultimately, decided the M.P.No.198 of 2016 in M.C.No.145 of 2012 by order dated 24.3.2017, wherein, the learned Judge by giving reasons rejected the contentions of the husband and issued warrant against the husband for the purpose of collection of arrears of maintenance and accordingly, directed that the husband be arrested by 25.4.2017. Aggrieved over the said order passed by the learned Judge in M.P.No.198 of 2016 dated 24.3.2017 directing to arrest the husband / petitioner, he has come out with this present revision case with the aforesaid prayer.

3. When this revision case came up for initial hearing, my predecessor, by order dated 18.4.2017, passed the following order:

“ Issue notice to the respondents returnable in two weeks. Private notice is also permitted.

2. There shall be an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance as on today, to the credit of M.C.No.145 of 2012 on the file of the II Additional Family Court, Chennai, within a period of six weeks from today and on such amount being deposited, the respondents are entitled to withdraw the same. If the petitioner fails to comply with the condition, the stay granted shall stand automatically vacated without any further reference to this Court.

Post after six weeks.”

4. Thereafter, on notice, the counsel entered appearance for the wife / respondent. While so, when this revision came up for further hearing before me on 03.07.2017, it was submitted by the learned counsel appearing for the respondents that the said conditional order passed by this Court dated 18.4.2017 was not complied with by the

petitioner / husband and he did not also chose to appear before this Court on that day. Therefore, it was directed to be listed on 06.7.2017. On that day, the learned counsel appearing for the petitioner submitted before this Court that, if a week time is given, his client would explore the possibility of settling the matter by showing some progress including the compliance of the conditional order passed by this Court on 18.4.2017. Accordingly, case was posted on 12.7.2017. However, on that day, since no progress had been shown by the petitioner / husband, it was posted for taking up the matter for final hearing and accordingly, on 14.7.2017, the following order was passed by this Court:

"When the matter was taken up for hearing today, as has been submitted by the learned counsel for the petitioner in the earlier hearing date, he has not come forward with any proposal from the petitioner either to comply with the conditional order already passed by this Court, or to make any substantial payment at least to take care of the school going children, whose school fees is yet to be paid. When this aspect was specifically pointed out by this Court, Mr.A.S.Narasimhan, learned counsel for the petitioner submits that

the petitioner is not able to pay any more and is also not in a position to comply with the conditional order passed by this Court.

2. The learned counsel for the petitioner would also submit that in the circumstances, the grounds urged and issue raised in this revision case as against the order impugned, whereby the order of arrest was passed by the Court below, could be canvassed and the revision itself can be finally disposed of by this Court.

3. Mr.S.Packiaraj, learned counsel for the respondent stoutly opposed this move by contending that since the petitioner has not complied with the conditional order passed by this Court, he cannot have any audience before this Court.

4. This Court has considered the rival submissions made by both sides and I am inclined to post this matter on 17.07.2017 immediately after admission cases, for taking up finally.

5. It is made clear that if both sides are not getting on with the case on 17.07.2017,

the revision would be decided on merits, without reference to their submissions.

Post on 17.07.2017, immediately after admission cases."

5. Hence, on 17.7.2017, arguments were heard finally from the learned counsel appearing for both sides.

6. Mr.A.S.Narasimhan, the learned counsel appearing for the petitioner / husband would make his submissions stating that, the order impugned passed by the learned Judge, is erroneous because, if at all the learned Judge wants to pass order for enforcement of the order of interim maintenance passed by the learned Judge, he should have first explored the possibility of issuing the warrant for levy of the amount as contemplated under Section 421 of the Code by attachment and sale of any movable property belonging to the offender and also to issue a warrant to the collector of the District authorising him to realize the amount as arrears of land revenue of the movable or immovable property or both of the petitioner / husband. However, without resorting to invoke Section 421 of the Code, the learned Judge straight away issued a warrant and directed the arrest to be made against the petitioner / husband. Therefore, the said order impugned is flawed in this regard, he submitted.

7. The learned counsel appearing for the petitioner would also submit that, the respondent / wife claimed arrears of maintenance for 31 months consolidatedly for a sum of Rs.9,30,000/-, whereas under Section 125(3) of the Code, it is possible to claim arrears of maintenance for twelve months at the maximum, as there is a limitation to that effect provided in the Code itself and therefore, beyond the limitation period of one year, if any application to seek arrears is filed as has been filed by the respondent / wife in the petition, the same should have been rejected by the learned Magistrate, instead he has allowed the same by issuing warrant directing the arrest of the petitioner / husband, therefore, the impugned order is infirm in this regard, he contended.

8. The learned counsel for the petitioner, in support of his contention, has relied upon the Judgment of this Court reported in **2011 (1) CTC 355** in the matter of **S.T.Prabakar Vs. Secretary to Government, Home Department, Fort St. George, Chennai and others**. By relying upon this Judgment, the learned counsel would contend that there is a vast difference in respect of the procedure to be adopted while petition is filed under Section 125(3) of the Code and

the petition is filed under Section 128 of the Code. In view of the limitation of one year period to recover the arrears of maintenance, the present petition styled to be seeking direction of arrears of maintenance for 33 months, cannot be construed as a petition within the meaning of Section 125(3) of the Code. Therefore, it should be treated only as a petition under Section 128 of the Code.

9. In that case, the procedure as contemplated under Section 128 r/w 421 of the Code, as referred to above, alone shall be resorted to. However, instead of resorting the same, since the learned Judge has invoked Section 125(3) of the Code and straight away issued warrant and direction for arrest against the petitioner / husband, the said order, which is impugned herein, is unlawful, in view of the said provisions as well as the law declared by this Court in the said judgment (cited supra). Therefore, the learned counsel for the petitioner would state that, the impugned order, is liable to be set aside.

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10. Per contra, Mr.Packiaraj, the learned counsel appearing for the respondent / wife would state that there is no dispute that the petitioner and the first respondent are legally wedded husband and

wife and out of their wedlock, they are blessed with two female children, who are the second and third respondents. It is also not in dispute that the said wedlock and marital relationship of husband and wife is still subsisting and therefore, under law, it is the duty of the petitioner / husband to maintain the wife and children. Since the petitioner / husband did not maintain the wife and children and in fact the wife meted with harassment at the hands of the petitioner / husband, she was forced to approach the court of law by filing the case for maintenance, as the wife as well as the children were not able to maintain themselves, and they do not have any source of income.

11. The learned counsel for the respondent / wife would further state that though maintenance case was filed, and during the pendency of the same, since the second and third respondents / children are going to school, their school fees had to be paid and for the said purpose as well as to maintain all the three respondents, since the first respondent / wife was facing great trouble and struggling a lot to maintain themselves, had filed a petition seeking for interim maintenance, where initially, the petitioner did not appear before the learned Judge and therefore, an *ex parte* order of arrest was passed which was subsequently set aside by this Court, and the matter was

remanded back to the trial Court for rehearing.

12. The learned counsel would further state that, after rehearing, the order of interim maintenance for Rs.10,000/- each to the respondents, was passed as against which though the petitioner / husband filed revision in CrI.RC.No.516 of 2015, the same was subsequently, dismissed by this Court, by order dated 12.9.2016, as against which, the petitioner filed Special Leave Petition before the Hon'ble Supreme Court and the same also was dismissed.

13. Therefore, the learned counsel appearing for the respondents would state that, the order directing payment of interim maintenance at the rate of Rs.10,000/- for each of the respondents having become final, the petitioner / husband should pay the same without any default. The respondents, since were struggling a lot to lead their life, and two children were to be nurtured and their school fees also are to be paid, the first respondent rightly approached the trial Court for interim maintenance and though a higher sum was sought for by the first respondent / wife, only a nominal amount of Rs.10,000/- each for the respondents alone was ordered and the said amount itself was not paid for longer period. Inorder to recover the same, the first

respondent rightly invoked Section 125(3) of the Code and thereby filed the present petition.

14. The learned counsel would also submit that since the quantum of interim maintenance by the trial Court having been confirmed by this Court by the dismissal of Crl.R.C.No.516 of 2015 and the same has reached finality, in view of the dismissal of SLP filed by the petitioner / husband, the petitioner / husband is duty bound to pay the said interim maintenance, which he miserably failed without any plausible reason. Therefore, the learned counsel would submit that it is a fit case where the provision to compel the petitioner / husband to make the arrears of maintenance under sub section (3) of Section 125 of the Code and therefore, the learned Judge after having taken into account all these factors and the circumstances of the case, rightly ordered arrest of the petitioner / husband.

15. The learned counsel for the respondents would also submit that, even in the present revision, at the admission stage, this Court directed the petitioner to pay 50% of the arrears within a time frame, even that order was also not complied with by the petitioner / husband. Therefore, on that ground alone, this revision has to be

dismissed, he contended.

16. I have considered the said rival submissions made by both sides and perused the materials placed before this Court for consideration.

17. As has been rightly pointed out by the learned counsel appearing for the respondents that the relationship between the petitioner and the first respondent being husband and wife and their subsisting marital relationship, is not in dispute. Since the first respondent / wife is not having any independent source of income and she is also not in a position to maintain herself and her two children, who are respondents 2 and 3, the respondents filed petition seeking for interim maintenance under Section 125(1) of the Code which was considered and ordered by the learned Judge, whereby the interim maintenance of Rs.10,000/- for each of the respondents was directed to be paid.

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18. However, though a revision was filed against the said order, by the petitioner / husband before this Court, the same was dismissed on 12.09.2016 itself, hence, it is the duty of the petitioner / husband

to make the payment of interim maintenance as directed by the trial Court. However, since the petitioner / husband failed to make the payment for more than two years, the respondents have rightly approached the trial Court by filing the present miscellaneous petition in M.P.No.198 of 2016, which was after contest, was ordered through the impugned order, dated 24.3.2017 whereby, the learned Judge, by issuing warrant, directed the arrest of the petitioner / husband by 25.4.2017.

19. Against the impugned order, when this revision was filed, a conditional order was passed by my predecessor as referred to above dated 18.4.2017 directing the petitioner / husband to pay 50% of the arrears within the time frame of six weeks, which the petitioner / husband, admittedly, failed to make it.

20. It was contended by the learned counsel appearing for the petitioner that, the order impugned, is unlawful because the respondent / wife claimed arrears of maintenance beyond 12 months period, whereas Section 125(3) of the Code restricts the limitation for claiming arrears of maintenance. In order to meet this contention of the learned counsel appearing for the petitioner, let me examine the

relevant provision of the Code, namely, Section 125(3) which reads thus:

“(3) If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each month's [allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be,] remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due:”

21. Under the proviso to Section 125(3) of the Code as extracted above, no doubt, it is fixed one year period for recovery of any amount due under the said Section. On the application to be made in this regard, whether such claim can be made for the due within a period of

one year or beyond that, is concerned, there can be no doubt that the interim maintenance since has been ordered to be paid every month, it is the recurring due. Therefore, whenever application is filed under Section 125(3) of the Code, it shall be construed that the amount payable or become due by way of maintenance or interim maintenance, if it is claimed by way of a petition filed under Section 125(3) of the Code, it can be ordered to be recovered and for the said purpose, the measures contemplated under the sub section to issue a warrant and even to send the person / defaulter into prison can very well be invoked.

22. Here in the case in hand, though the petition was filed to recover the amount of due of arrears of interim maintenance for 33 months, the said due is a continuing and recurring one and therefore, is filed under the proviso to sub section (3) of Section 125. It can very well be construed that, those due has become due in every month by mounting of the arrears of the earlier months and therefore, the said 12 months period of limitation can very well be invoked even in respect of the arrears which mounted within the last 12 months prior to the filing of such petition.

23. Assuming that such a claim of due shall be made only for the

amount which becomes due within one year period to the filing of the petition under the proviso and if at all the petition is filed for recovery of arrears of maintenance beyond the one year period from the date of petition filed under the proviso, the learned Judge can pass orders of issuance of warrant and can make a sentence against the defaulter, as even a default for one month would entitle the wife to claim the recourse of action under sub section (3) of Section 125. Therefore, looking from any angle, this Court is of the considered view that the order passed by the learned Judge, which is impugned herein, cannot be a defective one within the meaning of proviso to subsection (3) of Section 125 as claimed by the petitioner / husband.

24. Further, the learned counsel appearing for the petitioner by relying upon the Judgment in **2011 (1) CTC 355** (cited supra) contended that if the petition is filed under Section 128 of the Code alone, it can be construed that it would be maintainable, unmindful of the period of limitation.

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25. The learned counsel for petitioner therefore, would contend that here in the case in hand, since the petition was admittedly filed under Section 125(3) of the Code, certainly, the period of limitation

under provision to sub section (3) of Section 125 would be an embargo and therefore, by applying the ratio of the Judgment (cited supra), the order impugned can be faulted.

26. Insofar as the said argument advanced by the learned counsel appearing for the petitioner, this Court feels that, admittedly, the present petition was filed only under Section 125(3) of the Code. Therefore, this Court do not want to go into the correctness of the order as to whether the said order was passed invoking Section 128 of the Code. Therefore, the order passed by the learned Judge also, is only under the said sub section.

27. Moreover, the principle laid down in the said Judgment (cited supra), is only in respect of the procedure to be adopted by the Magistrate / trial Court for issuance of warrant of imprisonment when the petition was filed under Section 128 of the Code. In the said case, though petition was filed under Section 128 of the Code, the learned Magistrate invoking the provision of Section 125(3) of the Code issued warrant of imprisonment and thereafter, after sending him to prison, the defaulter was released on bail, treating the said default of payment of maintenance as a bailable offence. Only in that context, the learned

Judge, has explained the principle, where, it was held that before adverting to issuance of warrant for arrest, the procedure contemplated under Section 421 of the Code should have been explored. Therefore, there can be no quarrel with regard to the said principle enunciated in the said case by the learned Judge and since the facts of the said case is entirely different from the present case, that Judgment would not in any way advance the cause of the petitioner / husband in this case to wriggle out from the clutches of law. Moreover, it is the fact that, as against the order of interim maintenance, admittedly, the petitioner / husband filed a revision case before this Court and during the pendency of the said revision, he filed a counter before the trial Court in the present miscellaneous petition i.e., M.P.No. 198 of 2016 stating that the revision was pending before the High Court i.e., this Court and thereby, since it did not reach any finality, M.P.No.198 of 2016 should be dismissed.

28. However, subsequently, on 12.9.2016, Crl.R.C.No.516 of 2015 was dismissed by this Court and it was informed across the bar by the learned counsel appearing for the respondents that the SLP filed by the petitioner / husband against the order of this Court made in Crl.R.C.No.516 of 2015 also was dismissed by the Hon'ble Apex Court

and this claim made by the learned counsel for the respondents was not disputed by the learned counsel appearing for the petitioner.

29. Therefore, the quantum of Rs.10,000/- for each of the respondents, by way of interim maintenance, fixed by the learned Judge since has already been upheld or reached finality, it is the duty of the petitioner / husband to make the payment without fail. Though it was claimed by the petitioner / husband that per day Rs.250/- has been paid to the first respondent and thereby, per month Rs.7,500/- is being paid and the same also was admitted / accepted by the respondent / wife, are all matters of facts which are to be considered at the time of disposing the main maintenance case, which is still pending before the learned Judge.

30. It is also the fact that, even though a time bound direction was given by this Court while disposing the earlier CrI.R.C.No.516 of 2015, to dispose the maintenance case by the trial Court within a time frame, the same was not disposed because of the interim orders of maintenance and the revision cases filed by the petitioner / husband.

31. Only inorder to meet out the contingency, when maintenance

case is pending consideration before the trial Court, the legislature thought it fit to make a provision under the second proviso to Section 125(1) of the Code which reads thus:

“[Provided further that the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct:

Provided also that an application for the monthly allowance for the interim maintenance and expenses for proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person.]

32. According to the aforesaid 2nd and 3rd proviso of Section 125(1) of the Code, whenever petition is filed to seek for interim maintenance case, that should be decided within 60 days from the date of service of notice to the respondents. Therefore, when application is filed for interim maintenance and once it is ordered and

the said order also reached finality, there can be no excuse or reason on the side of the person against whom such order is passed and in this case, such excuse cannot be granted to the petitioner / husband for non compliance of such order of interim maintenance. In such situation, as the petitioner / husband admittedly failed to make a payment of interim maintenance for several months without sufficient cause, certainly, the learned Judge has got a power to invoke sub section (3) of Section 125 provided, if any application is filed to that effect. Here, such application was filed by the respondent / wife and there is no sufficient cause given by the petitioner / husband and therefore, the learned Judge rightly invoked the provision under sub section (3) of Section 125 and issued warrant against the petitioner / husband.

33. If the said warrant of arrest is executed and the petitioner / husband is arrested, he would be produced before the concerned Judge, where either before such arrest or at the time of arrest and production before the learned Judge, if at all the petitioner / husband come forward to settle the arrears of maintenance, he need not be sentenced to jail for a maximum period of one month, as such measure is possible for the learned Judge while invoking sub section

(3) of Section 125.

34. Therefore, only upon failure on the part of the petitioner / husband to make payment of interim maintenance as directed by the learned Judge, he has to face the consequences of arrest and still if he fails to comply the order of making the payment without sufficient cause, then only he will be sentenced to jail, that too for a maximum period of one month. Therefore, when these procedure as has been contemplated in detail under the said provision of law under Section 125, especially sub section (3), is being invoked by the learned Judge by affording all reasonable opportunity to the petitioner / husband, this Court feels that absolutely, there is no illegality or infirmity attached with the impugned order.

35. Moreover, when this Court decides this revision case by invoking the revisional power of this Court under Section 397 r/w 401 of the Code, the order impugned can be testified as to whether the order impugned suffers any illegality or impropriety and if no such illegality or impropriety is attached to the order, the same need not be interfered with by this Court by invoking its revisional power under Section 397 r/w 401 of the Code.

36. Here in this case, as has been narrated above, the petitioner / husband without any sufficient cause failed to comply with the order of interim maintenance and in order to ensure compliance of the said order, the respondent / wife, rightly invoked proviso to sub section (3) of Section 125 by filing the present petition which was decided by the learned Judge after affording reasonable opportunity to the parties.

37. Since the order of interim maintenance was confirmed by the rejection of the revision filed by the petitioner /husband, the order becomes final and therefore, the same has to be complied with by the petitioner / husband. Since the arrears of interim maintenance is mounting every month, the point of period of limitation of 12 months as raised by the petitioner / husband also, cannot be made against the respondent / wife.

38. Therefore, in all aspects, the order impugned, is sustainable and does not suffer with any illegality or impropriety. Therefore, this Court finds that the order impugned requires no interference from this Court.

39. Since at the time of initial hearing of this revision, this Court

passed a conditional order of making 50% of the payment of arrears which was admittedly not complied with by the petitioner / husband, moreover, the petitioner / husband has not shown any plausible reason for non payment of arrears and therefore, for this reason also, he deserves to meet the situation, which he is facing pursuant to the order impugned, as the same, is a justifiable legal measure to be followed within the meaning of sub section (3) of Section 125 of the Code.

40. Therefore, for all these reasons, this Court finds that the impugned order is sustainable and accordingly, it requires no interference. Hence, this revision case is dismissed without any costs. Consequently, connected miscellaneous petition is closed.

Index:Yes/No
Internet: Yes/No
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Note: Issue order copy on 08.11.2017

To
II Additional Family Court, Chennai.

07.11.2017

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