

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Cr1.RC.No.3 of 2011

K.Sujan Kumar .. Petitioner
Vs.

K.Usha @ Nagajothi .. Respondent

Prayer: Criminal Revision has been filed under Section 397 & 401 of the Code of Criminal Procedure to set aside the order dated 03.11.2010 made in M.C.No.10/2009 on the file of Judicial Magistrate No.1 Ponneri and allow the revision filed under 125 Cr.P.C. which is challenged.

For Petitioner : Mr.Palanivelayutham
For Respondent : No Appearance

O R D E R

This Revision Petition has been pending from the year 2009 and preferred against the order passed by the Judicial Magistrate-1, Ponneri, to set aside the order dated 03.11.2010 made in M.C.No.10 of 2009, wherein the Revision Petitioner was directed to pay a monthly maintenance of Rs.1,500/- per month towards the respondent on or before every 10th day of English Calender payable from the date of petition.

2.This revision petition is pending from the year 2010. Despite several opportunities, the counsel for the revision petitioner had no interest in disposing of the revision petition. Hence, this court is inclined to dispose of the same on merits.

3.The order of maintenance passed by the Trial Court was challenged on the ground that the respondent left the matrimonial home on her own without any justifiable cause. On a perusal of the order passed by the Trial Court, I am of the view that the Trial Court has rightly appreciated the materials and rightly arrived to a conclusion that the revision petitioner has neglected his ailing wife and did not show any interest on her physical health and she had to leave the house for some surgery.

4. When the wife was severely affected with health issues, her husband has not evinced any interest to comfort her, when that being so, no one can expect the wife to be in the matrimonial home. The Trial Court has rightly concluded that only in order to take immediate medical care she had to leave the matrimonial home. There was a valid cause for her to leave the matrimonial home for the sake of treatment.

5. Hence, I am of the view that the contention of the revision petitioner in his revision cannot be countenanced. The Trial Court has also taken note of the respondent about his income and has awarded a monthly maintenance of Rs.1,500/- and the maintenance order was passed in the year 2010. Till now the ordered maintenance amount has not been paid to the respondent.

6. On the contrary, the revision has been pending for all these years in order to shackle the order passed by the Trial Court. This court does not find any infirmity in the order passed by the Trial Court. The revision lacks merit.

7. Accordingly, the Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate No.1
Ponneri.

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