



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.R.C. (MD) No.409 of 2015

WEB COPY

M.Vinothkumar

... Petitioner/Respondent

Vs

Charlyn Pushpalatha

... Respondent/ Petitioner

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, praying, to call for the records relating to the order dated 12.08.2015 passed in M.C.No.44 of 2014 on the file of the Chief Judicial Magistrate Court, Kanyakumari District at Nagercoil and set aside the same.

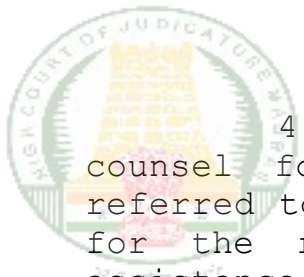
For Petitioner : Mr.C.M.Arumugam
For Respondent : Mr.D.Rajkumar

O R D E R

This revision petition is directed against the order passed by the Chief Judicial Magistrate Court, Kanyakumari at Nagercoil in M.C.No.44 of 2014.

2.The maintenance petition has been filed by the wife seeking maintenance from her husband a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) per month. However, the trial Court after hearing both the parties and considering the contentions raised by both sides and the documents filed by the respective parties in support of their submission has ordered maintenance of Rs.5,000/- (Rupees Five Thousand only) per month from the date of filing the petition i.e. 24.11.2014. The trial court has also directed the revision petitioner herein to pay the arrears within three months and the future maintenance on or before 10th day of every English calendar month. Challenging the order of the Chief Judicial Magistrate, Kanyakumari, Nagercoil made in M.C.No.44 of 2014, dated 12.08.2015, the revision petitioner herein has filed Crl.R.C.(MD)No.409 of 2015 and also obtained stay.

3.When the matter was taken up for hearing after three years on 30.07.2018, this Court has found that the petitioner herein is not ready to argue and also has not paid the maintenance as ordered by the trial Court. Hence, this Court has vacated the stay and also directed the Registry to post the matter for final hearing on 13.08.2018. On 13.08.2018, when the matter was listed for final hearing, the learned counsel again expressed his inability to conduct the case and sought extension of time. In view of the facts and circumstances, considering his request, this Court post the matter 'for orders' on 20.08.2018.



4. When the matter came up for hearing, the learned counsel for the petitioner submitted that the matter may be referred to the mediation. This contention cannot be countenanced for the reason that when the deserted wife has sought the assistance of the Court to get maintenance from her husband in the year 2014 and succeeded in the year 2015, by preferring a revision petition, the husband has stalled the execution of the order passed by the trial Court for three full years. Despite the order of this Court to get along with the revision, one pretext or another, the petitioner has taken adjournment and when the Court insisted to get along with the revision petition, the learned counsel for the petitioner has come out with the plea that the matter may be referred to mediation.

5. If really the petitioner is interested in mediating the dispute between him and his wife, he can do it at any time. But to keep this revision petition pending without any progress detrimental to the interest of the wife who has been deserted and left at penury is not fair. Therefore, considering the merits of the case, this Court finds that the revision petition is unsustainable. Hence, the revision petition is dismissed. It is always open to the revision petitioner herein to work out his remedy either Court of law or through any mediators and report it before the Chief Judicial Magistrate Court, Kanyakumari, where, M.C.No.44/2014 is pending.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Chief Judicial Magistrate Court,
Kanyakumari District,
Nagercoil.

+1cc to Mr.C.M.Arumugam, Advocate Sr.No.79863

RMI

VB/SKN/SAR2/20.09.2018/2P/3C

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21.08.2018