

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.513 of 2012
and M.P.No.1 of 2012

S.Rajamanikkam

...Petitioner

-Vs-

R.Senthamil Selvi

...Respondent

This Criminal Revision Case is filed under Section 397 read with Section 401 of Cr.P.C., to set aside the order passed in M.C.No.24 of 2010 dated 23.01.2012 on the file of the Family Court at Coimbatore.

For Petitioner : Mr.B.Nedunchezhiyan
For Respondent : Service awaited

O R D E R

This Criminal Revision has been filed by the petitioner to set aside the order passed in M.C.No.24 of 2010 dated 23.01.2012 on the file of the Family Court at Coimbatore.

2. The revision petitioner and the respondent are husband and wife. The respondent has filed a petition before the Family Court, Coimbatore, under Section 125 Cr.P.C., praying interim maintenance, which was taken on file in F.C.M.C.No.27 of 2010. The Family Court after adverting to the materials placed on record and after hearing both the parties, allowed the petition and the petitioner was directed to pay a sum of Rs.2,000/- per month as maintenance to the respondent. Challenging the order passed by the Family Court, Coimbatore in M.C.No.24 of 2010, dated 23.01.2012, the petitioner/husband has filed the present revision before this Court.

3. The revision petitioner has taken up a contention that he is an aged person and he is depending upon her younger daughter. He has no means to maintain himself. Though the revision petition is filed in year 2012, so far notice has not been served and private notice has also been returned as left. Therefore, this Court ordered substitution of service on 18.06.2019 and the learned counsel for the petitioner has not taken any effective steps to serve notice to the respondent.

4. On a reading of the entire materials, it is seen that the marriage between the petitioner and the respondent had taken place at Tiruchengode on 29.06.2007. in their wedlock, three children were born to them. Out of three, two children got married and one was minor. The minor daughter was under the care and custody of the respondent. The allegation of the respondent is that the revision petitioner used to drink Alcohol, beat and harass her. Despite several advice by the Panchayatars, the petitioner has not changed his attitude, he continued his wayward life. Therefore, the respondent left the matrimonial home and she is unable to maintain herself. The revision petitioner despite having sufficient means, has refused to maintain his wife. Hence, the respondent filed the maintenance case before the learned Family Court, Coimbatore under Section 125 of Cr.P.C. and the learned Family Court Judge has awarded a sum of Rs.2,000/- per month to the respondent as maintenance.

5. Considering the facts and circumstances of the case, the Family Court's direction to pay a sum of Rs.2,000/- is not excessive. The revision is pending from the year 2012. The petitioner has not taken any effective steps to serve notice on the respondent. Therefore, this Court does not find any reason to interfere with order passed by the Family Court. The petitioner is directed to pay a sum of Rs.2,000/- to the respondent on or before 5th of every English Calender month, without any default and the petitioner is directed to pay the entire arrears of maintenance within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Revision is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rli

To

The Family Court, Coimbatore

+1 cc to M/s.B.Nedjunchezhiyan, Advocate, S.R.No.57399

Cr1.R.C.No.513 of 2012
and M.P.No.1 of 2012

CP(CO)

SSM(27/08/2019)