



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.685 of 2012

and

MP.No.1 of 2012

Balu @ C.Jagadeesan

.. Petitioner

Vs.

D.Deepa

.. Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the records and set aside the order dated 19.01.2012 made in MC.No.113 of 2010 on the file of the Family Court, Coimbatore.

For Petitioner : Ms.R.Kavitha  
for M/s.N.Manokaran

For Respondent : Notice served - No appearance  
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#### O R D E R

This Criminal Revision has been filed to call for the records and set aside the order dated 19.01.2012 made in MC.No.113 of 2010 on the file of the Family Court, Coimbatore.

2. The revision petitioner is the husband and the respondent is the wife. The respondent/wife filed a petition under Section 125 of Cr.P.C in M.C.No.113 of 2010 before the Family Court, Coimbatore, in the year of 2010. On 19.01.2012 the learned Family Court Judge, after enquiry, directed the respondent therein/husband to pay a sum of Rs.2500/- to the petitioner therein/respondent herein from the date of petition and continue to pay every month on or before 10<sup>th</sup> day of English Calendar month towards monthly maintenance. Challenging the said order, the husband filed the present revision before this Court.

3. It is seen from the records that the respondent/wife filed the maintenance case in the year of 2010 and the same was disposed of in the year of 2012 by an order dated 19.01.2012.



The husband filed the present revision in the year of 2012 and since the year 2012, the matter is pending. Today, when the matter is listed for final disposal, the learned counsel for the petitioner would submit that the petitioner already paid a sum of Rs.1,50,000/- to the respondent/wife for her studies and also the respondent/wife got remarried and also got job therefore, she is not entitled to get maintenance.

4. Heard the learned counsel appearing for the petitioner. Despite service of notice none appeared on behalf of the respondent. Perused the entire materials available on record.

5. It is not in dispute that the petitioner is the husband and the respondent is the wife. The respondent/wife filed a petition under Section 125 of Cr.P.C in M.C.No.113 of 2010 before the Family Court, Coimbatore, in the year of 2010. On 19.01.2012 the learned Family Court Judge, after enquiry, directed the respondent therein/husband to pay a sum of Rs.2500/- to the petitioner therein/wife towards monthly maintenance from the date of the petition and continue to pay every month on or before 10<sup>th</sup> day of English Calendar month. Though the learned counsel for the petitioner stated that she got remarried, she has not produced the date of marriage and also the petitioner/husband has not filed any petition under Section 127 Cr.P.C for modification of the order. In the absence of any material to show that the respondent/wife got remarried the other person and also got a job, the contention raised by the learned counsel for the petitioner is not acceptable. After passing of the order, if the respondent/wife got remarried or got a job, the petitioner/husband is at liberty to file a petition before the Family Court with sufficient proof for modification of the order.

6. In the circumstances, there is no merit in the revision. Accordingly, this Criminal Revision Case is dismissed. The order dated 19.01.2012 made in M.C.No.113 of 2010 passed by the learned Family Court Judge, Coimbatore is confirmed. The revision petitioner is directed to pay the entire arrears to the respondent/wife from the date of filing the maintenance case till today. The revision petitioner is also directed to pay the monthly maintenance amount of Rs.2,500/- to the respondent as directed by the Court below. Connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

WEB COPY

The Judge,  
Family Court,  
Coimbatore.

+1cc to Mr.D.Gopal, Advocate sr.46756

Cr1.R.C.No.685 of 2012

vd(co)  
nr 21/08/2019