

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH

CrI.RC.No.665 of 2019
and
CrI.MP.No.9291 of 2019

R.Selvakumar Petitioner/Respondent

Vs.

1. S.Rani

2. Minor S.Balaji
(Rep. By his mother S.Rani)

... Respondents/Petitioners

Criminal Revision Petition filed under Section 397 & 401 of Cr.P.C., to set aside the order dated 01.10.2015 made in M.C.No.2 of 2014 on the file of the Family Court, Salem.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.J.Ramakrishnan

O R D E R

Selvakumar got married to Rani on 01.02.2007 and they have a child Balaji through the wedlock, who was born on 05.01.2008. On account of matrimonial discord, the spouses got estranged, resulting in Rani filing M.C.No.2 of 2014 before the Family Court, Salem under Section 125 Cr.P.C. against her husband Selvakumar. Though, notice was served on Selvakumar, he did not appear before the Family Court. Therefore, the Family Court recorded the evidence of Rani and by order dated 01.10.2015 in M.C.No.2 of 2014 directed Selvakumar to pay Rs.1,000/- per month to Rani and Rs.500/- per month to Balaji from the date of petition viz., 19.12.2013. From 01.10.2015, Selvakumar was directed to pay Rs.4,000/- per month to Rani and Rs.2,500/- per month to Balaji. Since Selvakumar did not make any payment, Rani took steps for the recovery of the amount under Section 128 Cr.P.C. Coming to know of that, Selvakumar has filed the present revision case with an enormous delay of 1157 days to condone which, he filed CrI.MP.No.9050 of 2019 under Section 5

of the Limitation Act. On notice, Rani entered appearance through Mr.J.Ramakrishnan, Advocate. This Court condoned delay by order dated 01.08.2019 but directed Selvakumar to deposit Rs.1,50,000/- towards arrears of maintenance before the Trial Court and gave four weeks time for the same. At the request of the learned counsel for Selavakumar, the time for deposit was extended by two weeks despite which, till date Selvakumar has not deposited any amount.

2. Learned counsel for Selvakumar contended that Selvakumar is suffering from 40% visual impairment and therefore, he does not have the means to pay. All these factors were taken into consideration by this Court while directing Selvakumar to deposit Rs.1,50,000/- towards arrears, which he has not deposited till date.

3. That apart, the amount of maintenance awarded by the Trial Court cannot be said to be excessive in today's cost of living. Hence, the Criminal Revision Petition stands dismissed. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni

To

The Judge,
The Family Court,
Salem.

+lcc to Mr.K.S.Karthik Raja, Advocate Sr.74392
+lcc to Mr.J.Ramakrishnan, Advocate Sr.73821

Cr1.RC.No.665 of 2019
and
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