

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1163 of 2017
and
Crl.M.P.No.11130 of 2017

Srinivasan

.. Petitioner

Vs.

Vijayalakshmi @ Vijaya

.. Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the order dated 11.07.2017 passed by the learned Family Court Judge, Pondicherry in Crl.M.P.No.7 of 2013 in M.C.No.17 of 2008.

For Petitioner : Mr.T.Sivagnanasambandan

For respondent : Mr.Harish Chowdhary
for M/s.T.M.Naidu & Co.

O R D E R

This Criminal Revision has been filed to set aside the order dated 11.07.2017 passed in Crl.M.P.No.7 of 2013 in M.C.No.17 of 2008 on the file of the learned Family Court Judge, Pondicherry.

2. The petitioner is the husband and the respondent is the wife. The respondent/wife filed a petition in M.C.No.17 of 2008 under Section 125 Cr.P.C before the Family Court, Pondicherry against the petitioner/husband. The Family Court, Pondicherry, by an order dated 29.05.2008, awarded Rs.3,000/- to the respondent/wife towards the monthly maintenance. The revision petitioner filed a petition in Cr.M.P.No.07 of 2013 under Section 126(2) Cr.P.C., to set aside the ex-parte order dated 29.05.2008 passed by the Family Court in MC.No.17 of 2008 and the same was dismissed by the Family Court, Pondicherry on the ground that the petitioner has not stated any valid reason to set aside the ex-parte decree. Challenging the order passed in Cr.M.P.No.07 of 2013 in M.C.No.17 of 2008, the husband has filed the present revision stating that the order passed under Section 125 Cr.P.C., itself is only an ex-parte order. Though the

petitioner/husband filed the petition to set aside the ex-parte order, the Family Court, Pondicherry, after considering the reason stated in the affidavit, dismissed the petition on the ground that there was no valid reason.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and also perused the impugned order.

4. No doubt that the order passed by the Family Court in MC.No.17 of 2008 dated 29.05.2008 in ex-parte to set aside the said order on the ground that no valid reason. However, on perusal of the order reveals that the maintenance amount awarded by the Family Court itself is only Rs.3,000/- and also it is not in dispute that the petition filed under section 125 Cr.P.C., itself only a summary procedure. The petitioner/husband has no valid ground that the respondent/wife left the matrimonial home without any valid reason. In such circumstance, there is no merit in this petition.

5. Considering the facts and circumstances of the case and the relationship is not in dispute and the quantum of award is only reasonable and it is not exorbitant, this Criminal Revision Case shall stand dismissed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmi

To

The Judge,
Family Court,
Pondicherry.

+1cc to Mr.T.Sivagnanasambandan, Advocate Sr.17094

Cr1.R.C.No.1163 of 2017

gp[co]
srg 26/03/2019