

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

CrI.R.C.No.309 of 2018
and
CrI.M.P.No.3684 of 2018

S.E.Gnanasekar ... Petitioner
Vs.
K.Baby ... Respondent

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed in M.C.No.4 of 2017 dated 12.09.2017 on the file of the Judicial Magistrate, Katpadi, Vellore District.

For Petitioner : Mr.M.Rajendiran

For Respondent : Mr.T.Shankar

O R D E R

The petitioner herein is the husband and the respondent herein is the wife. Due to a matrimonial dispute between them, both of them are living separately. The respondent filed a petition for maintenance before the Trial Court, claiming a sum of Rs.9,000/- per month. Considering the materials available on record, the Trial Court ordered the petitioner herein to pay a monthly maintenance of Rs.4,000/- to the respondent from the date of petition for maintenance, regularly. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that the Trial Court without appreciating any material in connection with the salary proof or salary certificate, mechanically passed the impugned order directing the petitioner to pay a monthly maintenance amount of Rs.4,000/- to the respondent. It is also submitted that the petitioner is not an employee of a Co-operative Bank and in fact, the petitioner was unemployed at the relevant point of time. Stating so, the learned counsel prayed for quashing the impugned order.

3.The learned counsel for the respondent has submitted that the Trial Court has considered the materials on record in a proper perspective and has ordered the maintenance amount and hence the same does not require any interference.

4.Heard both sides and perused the papers.

5.While admitting this Criminal Revision on 09.03.2018, interim stay was granted on condition to deposit the arrears of maintenance amount before the Trial Court. When this revision came up before this Court on 23.01.2020, it was represented that the said interim order has not been complied with by the petitioner. Hence, the matter was directed to be posted under the caption "for dismissal" on 31.01.2020. On 31.01.2020, at the request of the learned counsel for the petitioner, the matter was directed to be posted today, to produce the proof of payment made by the petitioner. Even today, nothing is forthcoming. The petitioner has not taken any steps to make payment to the respondent. Further, even though it has been put forth on the side of the respondent before the Trial Court that the petitioner was earning a sum of Rs.25,000/- per month as Jewel Appraiser in a Co-operative bank, since no documentary evidence has been filed, the Trial Court correctly came to the conclusion that he would have earned at least a sum of Rs.12,000/- per month working in a Co-operative bank and accordingly ordered the petitioner to pay a sum of Rs.4,000/- as monthly maintenance to the respondent and hence this Court is not inclined to interfere with the same.

6.In view of the above stated circumstances, the Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed. It is open to the respondent to proceed against the petitioner for recovery of the maintenance amounts.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Judicial Magistrate,
Katpadi, Vellore District.

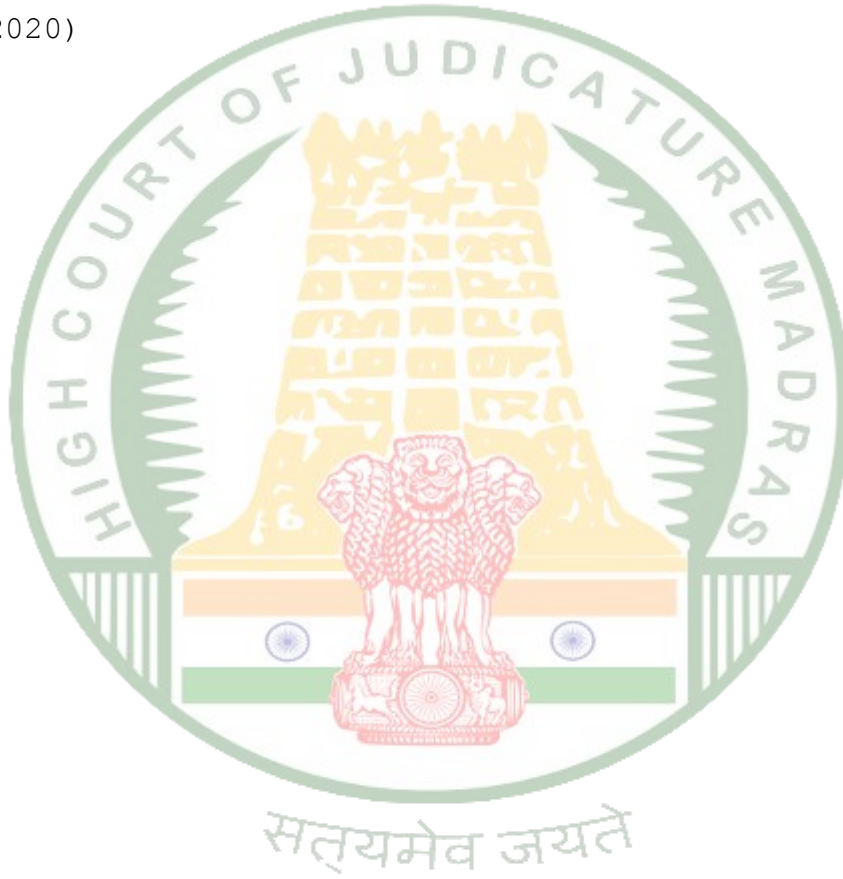
2.The Public Prosecutor,
Madras High Court.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

Cr1.R.C.No.309 of 2018
and
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PP (CO)
GN (03/03/2020)



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