

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.02.2020
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.475 of 2018
and
Crl.M.P.No.5706 of 2018

R.Kandan @ Kandasamy

... Petitioner

Vs.

K.Gandhi

.... Respondent

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of the Criminal Procedure Code against the order dated 04.03.2017 passed by the Principal Family Court, Coimbatore in M.C.No.49 of 2015.

For Petitioner : No appearance

O R D E R

The order dated 04.03.2017 passed by the learned Principal Judge, Family Court, Coimbatore, in M.C.No.49 of 2015, fixing the monthly maintenance at Rs.1,500/- per month in favour of the respondent / wife, is under challenge, at the instance of the petitioner / husband, by way of the present Criminal Revision Case.

2.This Court, by order dated 11.04.2018, has granted an order of interim stay on condition that the petitioner / husband shall pay a sum of Rs.750/- per month on or before 5th of every succeeding English Calender month from April 2018 to the respondent / wife and also to pay the arrears as on date as ordered by the Trial Court within a period of four weeks from the date of receipt of a copy of this order. There is no record to the effect that the petitioner/husband has complied with the said order passed by this Court.

3.There is no representation for the petitioner either in person or through his learned counsel on the previous hearing i.e., on 06/02/2020 as well as today's hearing. Though notice was ordered on 11.04.2018, no steps have been taken by the petitioner to serve papers on the other side, even at this length of time.

4.It is stated in the affidavit filed by the petitioner that he is 61 years old and is unemployed and is unable to maintain himself. It is also stated that he has already paid the maintenance to the respondent/wife and mother much earlier as one time settlement. Hence, he prayed to set aside the order impugned herein.

5.The object of the provisions for grant of maintenance is to provide speedy remedy to the destitute woman, who is not having any independent source of income. As such, the petitioner/ husband is bound to maintain his wife and he cannot wriggle out of the said responsibility citing his financial inability.

6.The Family Court, after having considered the submissions made by the parties and analysing the entire materials available on record, has rightly awarded the monthly maintenance to the tune of Rs.1,500/- to the respondent and hence, the same does not call for any interference by this Court.

7.Accordingly, this Criminal Revision stands dismissed. It is open to the respondent to proceed against the petitioner for recovery of the maintenance amount, in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

The Principal Judge Family Court
Coimbatore

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