

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.877 of 2018

and

Crl.M.P.No.9974 of 2018

Velu @ Kolandaivel ...Petitioner/Respondent

Vs

1.Minor Inbathmizh
Rep. by her mother Uma @ Thamizhselvi

2.Uma @ Thamizhselvi ...Respondents/Petitioners

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to call for the records and set aside the order in M.C.No.02 of 2016 dated 15.02.2018 on the file of the Judicial Magistrate Court, Omalur, Salem District.

For Petitioner : Mr.G.K.Sekar

For Respondent : N.A

ORDER

Questioning the monthly maintenance of Rs.4,000/- awarded to the first respondent, vide order dated 15.02.2018 passed by the learned Judicial Magistrate, Omalur, Salem District, in M.C.No.02/2016, the present Criminal Revision Case has been filed by the petitioner/husband.

2. The revision petitioner is the husband and the second respondent is the wife. They got married on 27.10.2007. Out of the said wedlock, they were blessed with a female child, the first respondent. Due to a matrimonial dispute, they were separated. The respondents filed a petition for maintenance before the Court below, claiming a sum of Rs.10,000/- per month. Considering the materials available on record, the Court below directed the petitioner herein to pay a monthly maintenance of Rs.4,000/- to the first respondent alone from the date of

petition for maintenance. Insofar as the second respondent is concerned, the petition stood dismissed. Challenging the same, the petitioner has come up with this Criminal Revision Case.

3. The learned counsel for the petitioner has submitted that the second respondent/wife is running a provisional shop, by which she is capable of maintaining herself and the first respondent as well, whereas the petitioner is working as a taxi driver and is not having sufficient means to pay maintenance to the second respondent. It is also submitted that without any cause, the second respondent deserted the petitioner and is living her parent. Hence, the learned counsel sought to set aside the order impugned herein.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. This Court, by order dated 27.07.2018, while admitting this criminal revision, has granted an order of interim stay on condition that the petitioner shall pay a sum of Rs.2,000/- per month to the respondent/wife on or before 5th of every English Calender month and also pay the arrears of maintenance at the same rate of Rs.2,000/- within a period of six weeks from the date of receipt of a copy of this order. Now, it is reported that the said interim order has not been complied with by the petitioner and the matter has been kept pending till this date. The petitioner has not taken any steps to serve papers on the other side, even at this length of time.

6. Taking note of the facts and circumstances of the case, the maintenance amount fixed by the Court below, seems to be very reasonable and the same is bound to be paid by the petitioner. Hence, this Criminal Revision deserves to be dismissed and is accordingly, dismissed. It is open to the respondents to recover the monthly maintenance including arrears as ordered by the Court below, in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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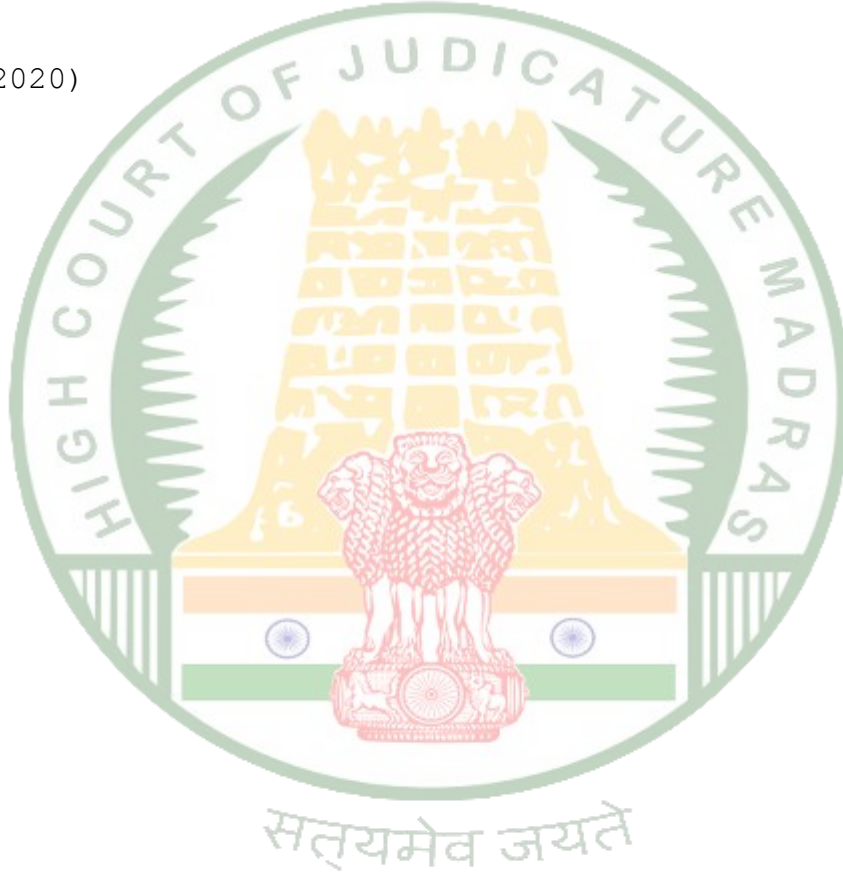
To

The Judicial Magistrate,
Omalur,
Salem District.

+1cc to Mr.G.K.Sekar, Advocate, S.R.No.15749/2020

Cr1.R.C.No.877 of 2018

RJI (CO)
RN(27/05/2020)



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