

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

CrI.R.C.No.1184 of 2017
and
CrI.M.P.No.11329 of 2017

M.Faarug Abdullah

... Petitioner

Vs.

1. Mumtaj Banu
2. Aysha Siddika (minor)
Rep by its Natural Guardian and
mother Mumtaj Banu

.... Respondents

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order made in M.C.No.58 of 2014 by the Family Court, Erode dated 06.01.2017.

For Petitioner : Mr.A.Esakkiappan

O R D E R

The petitioner is the husband and the first respondent is the wife. Due to a matrimonial dispute between them, they got separated. The first respondent filed a petition before the Family Court, Erode, claiming a sum of Rs.10,000/- per month for herself and Rs.5,000/- to the second respondent, totalling to Rs.15,000/- towards maintenance. Considering the materials available on record, the Family Court ordered the petitioner herein to pay a monthly maintenance of Rs.3,000/- (Rs.1,500/- to each of the respondents) to be paid from the date of petition for maintenance on or before 5th of every succeeding English calendar month. Challenging the same, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that on 28.03.2013, the petitioner said "MUTHALAK" (Thalak 3 times) to the first respondent under the Muslim law and the same was also endorsed by the Mukthavalli, Sasthiri Nagar Pallivasal, Erode on 08.06.2013 and hence, the first respondent is not entitled for maintenance. Stating so, the learned counsel prayed for quashing the impugned order.

3. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was ordered on 07.09.2017, the petitioner has not taken any steps to serve papers on the other side, even at this length of time. However, since no order prejudicial to the interest of the respondent is going to be passed, this Court is inclined to dispose of this matter.

4. This Court vide order dated 07.09.2017, granted an order of interim stay on condition that the petitioner shall deposit 50% of the arrears of maintenance amount before the Family Court and also continue to pay a sum of Rs.3,000/- as maintenance for every month from September 2017 onwards and such payment shall be made on or before 10th every succeeding English calendar month. But, 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. Taking note of the facts and circumstances of the case, the maintenance of Rs.3,000/- awarded by the Family Court to the respondents, seems to be very reasonable, as the same is bound to be paid by the petitioner/husband. Hence, this Court finds no reason much less valid reason to interfere with the quantum so fixed by the Family Court.

5. Accordingly, this Criminal Revision stands dismissed. It is open to the respondents to proceed against the petitioner for recovery of the maintenance amount including arrears, as ordered by the Family Court, in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Judge Family Court,
Erode.

+1 CC to Mr.A.Esakkiappan, Advocate sr 16430.

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and
Crl.M.P.No.11329 of 2017

BP(CO)
SP(17/07/2020)