

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

CrI.R.C.No.775 of 2017
and
CrI.M.P.No.7107 of 2017

R.Thirumoorthy ... Petitioner

Vs.

Nalini 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.203 of 2015 dated 21.02.2017 on the file of the learned Principal Family Court, Coimbatore.

For Petitioner : Mr.A.Tamilarasan

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, they are living separately. The petitioner filed a petition for divorce in HMOP No.132 of 2007 before the Family Court, Coimbatore. Thereafter, the respondent filed the Maintenance Case in M.C.No.203 of 2015 and both these cases were disposed of by the Court below by way of a common order. The Family Court dismissed the divorce petition filed by the husband and ordered the husband to pay a monthly maintenance of Rs.3,000/- to the respondent, to be paid from the date of petition for maintenance, after deducting the interim maintenance amount which has been directed to be paid by the Court.

2.Challenging the order passed in the maintenance case, the petitioner has come up with the present Criminal Revision Case.

3.When this matter came up before this Court on 09.06.2017, this Court granted interim stay on condition that the petitioner has to deposit a sum of Rs.50,000/- towards arrears of maintenance before the Trial Court, within a period of four weeks. The petitioner was also directed to pay a sum of

Rs.1,500/- per month, as maintenance to the respondent or before 5th of every English Calendar month, until further orders.

4.Today, when this revision has been taken up, the learned counsel for the petitioner is not in a position to submit as to whether the petitioner has complied with the condition imposed by this Court in the order dated 09.06.2017, by paying the arrears or maintenance or as to whether he is continuously paying the monthly maintenance as ordered by this Court.

5.The Court below, in the absence of any documentary evidence, came to the conclusion that the petitioner would have earned a sum of Rs.15,000/- per month taking note of his long service in an export company and accordingly directed the petitioner to pay a sum of Rs.3,000/- to the respondent every month towards maintenance. Even though this Court reduced the said amount and directed the petitioner to pay a sum of Rs.1,500/- as maintenance by order dated 09.06.2017, the learned counsel for the petitioner is not able to say as to whether the said order itself has been complied with. Further, for the maintenance case filed in the year 2015, order has been passed in the year 2017 fixing Rs.3,000/- as monthly maintenance by the Trial Court. Now, the present Criminal Revision Case is being disposed of in the year 2020. In the circumstances, at this length of time, this Court deems it fit only to confirm the monthly maintenance amount of Rs.3,000/- as ordered by the Trial Court. Accordingly, the petitioner is directed to pay a sum of Rs.3,000/- as monthly maintenance to the respondent, which has to be calculated from the date of the application for maintenance. The petitioner is directed to pay the monthly maintenance amount of Rs.3,000/- on or before 5th of every succeeding English calendar month regularly without any default. It is also hereby ordered that the arrears of maintenance amount have to be paid in two equal instalments. The first instalment has to be paid to the respondent on or before 10th March 2020 and the second instalment has to be paid on or before 10th April 2020.

6.With the above directions, the Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

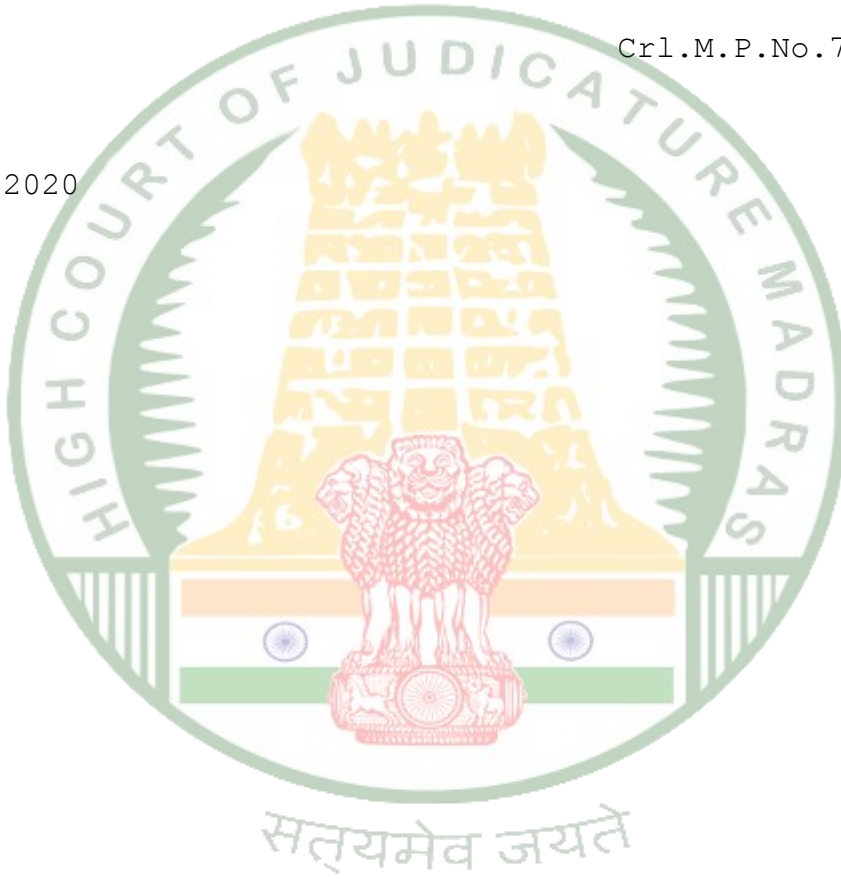
To

The Principal Judge,
Family Court,
Coimbatore.

+lcc to Mr.Tamilarasan, Advocate Sr.12140

Cr1.R.C.No.775 of 2017
and
Cr1.M.P.No.7107 of 2017

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