



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1076 of 2015

And

M.P.No.1 of 2015

J.Samuel Manoharan

... Petitioner/Respondent

Vs.

S.Jency

... Respondent/Petitioner

Prayer: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to call for the records in M.C.No.50 of 2013 dated 21.07.2015 on the file of the learned Principal Family Court Judge, Salem and revise the same.

For Petitioner : Mr.R.Karthikeyan

For Respondent : Mr.V.Illanchezhian

O R D E R

The petitioner has filed this petition seeking to call for the records in M.C.No.50 of 2013 dated 21.07.2015 on the file of the learned Principal Family Court Judge, Salem and to revise the same.

2.The facts of the case is that the marriage between the petitioner and the respondent was solemnized on 09.12.2011 at Salem as per the Christian Rites and Ceremonies. They lived happily only for about seven months and thereafter, the petitioner is alleged to have deserted the respondent and filed petition seeking divorce with false allegations. Hence, the respondent filed petition seeking restitution of conjugal rights and since she was not able to maintain herself, she filed M.C.No.50 of 2013 on the file of the Family Court, Salem, seeking a sum of Rs.30,000/- per month as maintenance and after adjudication, the trial Court awarded a sum of Rs.15,000/- per month towards maintenance in favour of the respondent from 18.11.2014 till her life time. Challenging the same, the petitioner has filed this revision.

3.The learned counsel appearing for the petitioner submitted that the petitioner reliably understand that the respondent is working as Administrator in Jesus Calls Centre situated at Trichy and is earning more than Rs.50,000/- per



month. Hence, this Court may permit the petitioner to file petition under Section 127 of Cr.P.C. before the Family Court, Salem and also permit the petitioner to adduce affidavit and evidence in order to establish the earning of the respondent as per the law laid down in the decision of the Hon'ble Apex Court reported in (2021) 2 SCC 324 [Rajnish Vs. Neha and another], within a reasonable time frame.

4.The learned counsel appearing for the respondent raise no serious objection for the request made by the learned counsel appearing for the petitioner.

5.Considering the request made by the learned counsel appearing for the petitioner and the consent view expressed by the learned counsel appearing for the respondent, this Court without interfering with the order of the Trial Court is inclined to issue the following directions:

'The petitioner is directed to deposit the entire arrears amount from 18.11.2014 to the credit of M.C.No.50 of 2013 before the Family Court, Salem. Liberty is granted to the petitioner to file appropriate petition under Section 127 of Cr.P.C. If any such petition is filed by the petitioner, the Trial Court shall consider the same in accordance with the law laid down in the decision of the Hon'ble Apex Court reported in (2021) 2 SCC 324 [Rajnish Vs. Neha and another] and dispose of the same, within a period of six months from the date of filing of such petition.'

6.The revision is accordingly disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
The Principal Family Court Judge,
Salem.

Cr1.R.C.No.1076 of 2015
And
M.P.No.1 of 2015

MG(CO)
GN(13/10/2021)