

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.736 of 2019
and CrI.MP.No.10385 of 2019

Pichai Savuri

... Petitioner

...vs...

Mary Glory

.... Respondent

Prayer:Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 10.6.2019 in M.C.No.77 of 2018 on the file of the Family Court, Cuddalore.

For Petitioner : No appearance

O R D E R

This Criminal Revision Case has been filed against the order dated 10.06.2019 in M.C.No.77 of 2018 on the file of the Family Court, Cuddalore.

2.There is no representation for the petitioner. This Court by order dated 14.02.2020 permitted the petitioner to take private notice on the respondent, however, no proof of service has been filed till now, which shows that the petitioner is not interested in proceeding with the matter.

3.The petitioner is the husband and the respondent is the wife. The respondent filed a case in M.C.No.77 of 2018 on the file of the learned Judge, Family Court, Cuddalore under Section 125 Cr.P.C seeking maintenance. After due enquiry, the learned Magistrate awarded a sum of Rs.10,000/- per month as maintenance to the respondent/wife. Challenging the said order, the petitioner/husband is before this Court.

4. It is seen from the records, the marriage between the petitioner and respondent was solemnized in the year 1993, subsequently, they got divorce and living separately. The respondent/wife was working as a teacher in various schools and got voluntary retirement, whereas, the petitioner is working as a teacher in the Government School and earning more than a sum

of Rs.74,000/- per month. Admittedly, the divorced wife is entitled for maintenance from her husband till she got remarriage. Further, the husband, who possessed with sufficient means has to necessarily pay the maintenance amount to his wife, who is unable to maintain herself. On a reading of entire materials on record, it is seen that the petitioner has not established that the respondent has got sufficient means to maintain herself, whereas the respondent established her case. Hence, the award passed by the learned Magistrate is reasonable and this Court does not find any infirmity or illegality in the order passed by the Court below.

5. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

6. The petitioner is directed to comply with the order passed by the learned Judge, Family Court, Cuddalore in M.C.No.77 of 2018, failing which, the learned Judge is directed to issue warrant against the petitioner and execute the order in accordance with law, without any formal application.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
Family Court,
Cuddalore.

Cr1.R.C.No.736 of 2019

and

Cr1.MP.No.10385 of 2019

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