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Crl.R.C.(MD).No.761 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl.R.C.(MD).No.761 of 2022

G.Umesnathan

.. Petitioner/Respondent

Vs.

1.R.Meenakshi

2.U.M.Vaseegaran

(2nd respondent is represented through his mother
and natural guardian)

.. Respondents/Petitioners

PRAYER: This Civil Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to all of the records in Cr.M.P.No.41 of 2021 in Cr.M.P.No.646 of 2018 in M.C.No.29 of 2018 dated 19.08.2021 on the file of the Family Court, Tiruchirappalli and set aside the same as illegal.

For Petitioner : Mr.J.Jeyakumaran

ORDER

This criminal Revision Case has been filed against the order passed in Cr.M.P.No.41 of 2021 in Cr.M.P.No.646 of 2018 in M.C.No.29 of 2018 dated 19.08.2021 on the file of the Family Court, Tiruchirappalli.

2.The brief facts in brief:

It is a matrimonial dispute. Marriage between the husband and wife



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took place on 24.06.2010 as per their Hindu Customary rites. Because of the marriage a son, the second respondent was borne on 26.07.2011. Thereafter, some sort of matrimonial issue arose between the husband and wife, over which M.C.No.194 of 2013 was filed by the wife and child before the learned Judicial Magistrate, Tiruchirappalli. Later it was transferred to Family Court and taken on file as M.C.No.29 of 2018. An order was passed directing the husband to pay a sum of Rs.10,000/- each to the wife and the child on 18.12.2013. That amount was not paid. So Crl.M.P.No.646 of 2018 was filed for execution of the order. Pending the above said petition, the husband filed a revision before this Court and as per the order of this Court Rs.4,00,000/- was ordered to be deposited within a period of eight weeks. That order was not complied. Later the above said petition was taken for hearing and the wife sought an order of attachment of Rs.25,000/- in the salary of the revision petitioner. That petition was resisted by the revision petitioner stating that the Revision case is pending before this Court and the wife has voluntarily living separately. After the pandemic period, he rejoined the company only recently.

3.But that contention on the part of the revision petitioner was rejected by the trial Court and the revision preferred by him was dismissed



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by this Court. In the above said order itself it was noted that only Rs.1.10 lakhs was paid by the revision petitioner. The balance amount is more than Rs.9.90 lakhs. For recovering the above said amount the attachment of Rs. 25,000/- from the monthly salary of the husband was ordered. Against which, this revision has been preferred.

4.The respondent has produced the Crl.R.C.(MD).No.522 of 2018, which was filed by the petitioner challenging the above said order in M.C.No.29 of 2018. Noting that there is non compliance of the above said Revision case was dismissed on 23.02.2021. Regarding the trial issue no argument can be advanced by the revision petitioner. It has been stated in the grounds of appeal that the execution petition was filed after a lapse of 3 years, which is barred by limitation. There was no proof for salary of Rs. 80,000/-. But finding that the revision petitioner is drawing sufficient salary, the above said order of attachment has been passed. Even before this Court, this revision petitioner is not in position to inform the Court about his monthly salary. So this is exclusively within the knowledge of the revision petitioner. The non disclosure of the same will show that he is not informing the correct particulars.



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5. Moreover, the arguments that the above said execution petition is barred by limitation, is not maintainable for the simple reason that the order of maintenance was passed by the Family Court, Tiruchirappalli on 20.06.2018. The above said execution petition has been filed immediately after the order. Since the order was taken effect from the date of petition, it is not barred by limitation. Moreover, it is seen that the revision petitioner is working as Regional Sales Manager in private concern namely M/s.Syotophic Laboratory, Pvt., Ltd., Chennai and his monthly salary is also credited in his bank account. The details of which is also mentioned in the petition. So this events shows that the revision petitioner has not approached this Court with genuine facts and reasonable grounds. It appears that he wants to drag on the matter endlessly. It is not permissible. I find absolutely no merits to entertain this revision petition. This revision case fails.

6. Accordingly, this Criminal Revision Case is dismissed.

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Index : Yes / No
Internet : Yes / No
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- 1.The Sessions Judge, Family Court, Tiruchirappalli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,N,J.

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