



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C. No. 933 of 2023

and Crl.MP.No.7580 of 2023

Gunasekarn

...Petitioner

Vs.

Lakshmi

... Respondent

Criminal Revision filed under Section 397 read with Section 401 of Code of Criminal Procedure to call for the records of the proceeding in MC.No.06/2020 on the file of the Family Court, Ariyalur and set aside the same.

For Petitioner : Mr.S.Ramesh

For Respondent : No appearance

ORDER

This Criminal Revision case has been filed to quash the order in MC.No.06/2020 on the file of the Family Court, Ariyalur and set aside the same.

2. The Revision Petitioner is husband and the respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 11.09.1991 as per Hindu Rites and Customs. In their wedlock, one male child was born in the year 1995. Due to difference of



opinion, the petitioner sent out the respondent and his son from the matrimonial home. Thereafter, the petitioner married with another woman and they have blessed with two children. Subsequently, the second wife died. Thereafter, the petitioner taken back the respondent. However, the petitioner did not take care the respondent and his son and sent out them from the matrimonial home. Hence, the respondent/wife has filed a petition against her husband under Section 125 of Cr.P.C., claiming a sum of Rs.10,000/- as maintenance before the Family Court and the same was allowed directing the revision petitioner/husband to pay a sum of Rs.8,000/- per month as maintenance to the respondent. Challenging the order passed by the learned Judge, Family Court, the petitioner herein has filed the present Revision before this Court.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is aged about 55 years and he is suffering from various ailments. The respondent has left the matrimonial home wantonly. The petitioner's son is working in IT company and getting sufficient means and also the respondent is also doing tailoring work . The petitioner met with an accident in the year 2002 and thereafter, he is not doing anything and he is depending upon his second son, who born



through his second wife. Without considering the entire fact, the Family Court awarded maintenance in favour of the respondent, which warrants interference of this Court.

4. The learned counsel further submitted that the petitioner is ready to pay the entire maintenance to the respondent. If such payment is made, this Court may grant liber to file appropriate petition before the trial Court and to file asset and liability details and direct the Judge, Family Court to consider the same and pass appropriate orders within the reasons time as fixed by this Court.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. It is admitted that the respondent is the wife of the petitioner and the marriage between the petitioner and the respondent has also admitted and the paternity of the child is also not disputed. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is come forward to pay the arrears to his wife and requested to file asset and liability details before the trial Court.



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7. In view of the limited request as sought for by the petitioner, this Court is inclined to pass the following orders:

- 1. The petitioner is directed to deposit the entire arrears of maintenance within a period of four weeks from the date of receipt of a copy of this order. Upon such deposit of the arrears, the learned Judge, Family Court shall entertain the petition filed by the petitioner and pass orders on merits after providing opportunity to the petitioner and the respondent, within a period of four weeks thereafter.*
- 2. Further, the petitioner is directed to continue to pay the maintenance as ordered by the Family Court to the respondent on or before every 7th day of English Calender month, without any default.*

8. With the above directions, this Crl. Revision case is disposed of. Consequently, connected miscellaneous petition is closed.

15.04.2024



Index : Yes/No

Speaking Order/Non speaking order

To

The Family Court, Ariyalur.



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M.DHANDAPANI,J.

Rli

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