

23.01.2021

Petr – RMH
Resp – NNP
For order

25.01.2021

Petr – RMH
Resp – NNP
For order

ORDER ON MEMO

The learned counsel for respondent filed memo stating that the Hon'ble Court ordered to maintenance of Rs.300/- to the petitioner as per order the maintenance amount for the period of 1 year is Rs.3,600/-. Further stated that the respondent leads his life through coolie work and on the earnings of respondent his parents are depended. Further stated that the brothers of respondent is ready to pay Rs.3600/- i.e., 1 year maintenance and prays to permit them to deposit the same. Further stated that from the 30.08.2017 till today the respondent was in judicial custody. Hence prayed to receive the 1 years maintenance amount and prayed to release the respondent.

- 2) On the other hand learned counsel for petitioner also filed one citation on 30.08.2017 and filed memo stating that petition is filed for arrears of maintenance of Rs.11,800/-. Further respondent paid Rs.3,600/- and remaining balance is Rs.8,200/-. Further stated that petitioner has no means to lead her life. Hence, prayed to direct the respondent to pay balance amount.
- 3) Neither petitioner filed objection to the memo filed by respondent nor respondent filed any objection to the memo filed by petitioner. But the memo filed by both the counsel are objection to memos filed by petitioner and respondent. Admittedly, petitioner had filed Crl.Misc.No.121/2010 for maintenance and same has been partly allowed on 26.12.2011. In the said order it is clear that the respondent

has to pay Rs.300/- to the petitioner from the date of petition till her last breath. Learned counsel for petitioner relied on the citation 2013 CRI.L.J.5006–Poongodi and another Vs. Thangavel. Wherein ratio laid down in the said petition is that there is no limit prescribed to filed application to receive maintenance. Further, it is noticed that the respondent has paid only Rs.3,600/- only after when he was in custody later the respondent failed to pay maintenance amount to the petitioner. The ratio laid down in the citation relied by counsel for petitioner is made applicable to the present petition. Hence in view of the above discussion I pass following;

ORDER

The memo filed by respondent is hereby rejected and memo filed by petitioner is hereby allowed.

The respondent is hereby directed to pay remaining balance of maintenance amount to the petitioner.

**Civil Judge & JMFC,
Shiggaon.**