

Rose Cracker Vs. Emperor

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Court : Chennai

Decided On : Oct-14-1927

Reported in : AIR1928Mad899

Appellant : Rose Cracker

Respondent : Emperor

Judgement :

ORDER

Devadoss, J.

1. This is a reference by the Sessions Judge of Nellore with regard to an order made by the District Magistrate of Nellore confirming the order of maintenance made by the Justices of the Peace, Earns Gate, Kent, England. The Justices of the Peace made a provisional order for the maintenance of Mrs. Cracker against her husband at the rate of 2 a week, and the District Magistrate has varied the order by directing the husband to pay at the rate of 30 shillings a week. In making this order he has overlooked two things. One is that the maintenance is payable from the date of the order directing maintenance to be paid; i.e. from 31st May 1926. The Justices of the Peace made the order of maintenance on the ground that for some 8 weeks previous to 3 Lab May 1926 the husband did not maintain the wife and the District Magistrate has taken that period into consideration in directing the husband, Mr. Cracker, to pay maintenance at the rate of 30 shillings a

week. This is wrong. The maintenance is payable only from 31st May 1926, at the rate of 30 shillings a week, and the second mistake made is in not directing the husband to pay future maintenance, at the same rate. I, therefore, vary the order by directing the respondent to pay maintenance at the rate of 30 shillings a week from 1st June 1926 and the amount paid by him will be credited towards the amount payable by him from that date.

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