

In Re Rose Craker

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Court : Chennai

Decided On : Oct-14-1927

Reported in : 108Ind.Cas.906

Judge : Devadoss, J.

Appellant : In Re Rose Craker

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, Ramsgate, Kent, England. The Justices of the Peace made a provisional order for the maintenance of Mrs. Craker 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 the 31st May, 1926. The Justices of the Peace made the order of maintenance on the ground that for some eight weeks previous to 31st May, 1926 the husband did not maintain the wife and the District Magistrate has taken that period into consideration in directing the husband, Mr. Graker, to pay maintenance at the rate

of 30 shillings a week. This is wrong. The maintenance is payable only from the 31st May, 1925, 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 the 1st of June, 1926, and the amount paid by him will be credited towards the amount payable by him from that date.

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