

**G. Benbow Vs. W. Benbow**

**G. Benbow Vs. W. Benbow**

**SooperKanoon Citation :** [sooperkanoon.com/856992](http://sooperkanoon.com/856992)

**Court :** Kolkata

**Decided On :** May-10-1897

**Reported in :** (1897)ILR24Cal638

**Judge :** Ghose and ;Wilkins, JJ.

**Appellant :** G. Benbow

**Respondent :** W. Benbow

**Judgement :**

**Ghose and Wilkins, JJ.**

1. We think that the Presidency Magistrate has taken a right view in the matter. 'It is the duty of the woman,' as observed by West, J., in In re the Petition of Fakrudin I.L.R. 9 Bom., 40, 'to reside with her husband, and it is her co-relative right to be maintained by him under his roof.' And when the husband fails in his duty, the proper Court to take cognizance of the complaint of the wife is the Court within the jurisdiction of which he may reside. The language of Section 488 of the Code of Criminal Procedure itself favours this view; and it seems to us that, if the principle which underlies Section 177 of the Code may be applied to this case, the complaint should be enquired into by the Court within the local limits of whose jurisdiction the husband neglected or refused to maintain his wife. Let the record be sent back with this expression of our opinion.

