

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Cr1.R.C.No.954 of 2014

and

M.P.No.1 of 2014

C.Duraisamy

.. Petitioner

vs.

1. D.Veeralakshmi
W/o.C.Duraisamy

2. Muthuselvi
D/o.C.Duraisamy and
D.Veeralakshmi

.. Respondents

Criminal Revision filed under Sections 397 and 401 Cr.P.C. against the order of learned Judge, Family Court, Erode, Erode District, passed in M.C.No.5 of 2014 on 09.07.2014.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.V.S.Kesavan

O R D E R

This revision arises against the order of learned Judge, Family Court, Erode, Erode District, passed in M.C.No.5 of 2014 on 09.07.2014.

2. Respondents 1 and 2 informing themselves to be wife and daughter of the petitioner, moved M.C.No.5 of 2014 seeking maintenance. The Court below, under orders dated 09.07.2014, directed the petitioner to effect payment in sums of Rs.4,000/- p.m. each to respondents. Hence, this revision.

3. Heard learned counsel for petitioner and learned counsel for respondents.

4. In passing the interim order on 19.03.2015, this Court, taking into consideration the claim of first respondent that she and petitioner were married on 29.01.1975, a petition seeking maintenance had been moved 34 years after the petitioner and first respondent parted, the petitioner had informed of having married one Rukmani on 19.05.1974 the issue raised by petitioner

regards his not being father of second respondent stands answered by the DNA test confirming that he indeed is so, was pleased to direct payment of Rs.1,80,000/- (Rs.3,000 p.m.) to second respondent/daughter. Though the matter was referred to Mediation Centre, the respondents had failed to appear.

5. Considering the submissions of learned counsel on either side and being totally in agreement with the view adopted by this Court in passing the interim order on 19.03.2015, this Court would pass the following order:

- (i) the order of the Court below directing payment of maintenance in a sum of Rs.4,000/- p.m. to first respondent shall stand set aside.
- (ii) Petitioner is directed to effect payment of maintenance to second respondent in a sum of Rs.3,000/- p.m. from the date of filing of M.C.No.5 of 2014 and continue to do so on or before 5th of every month. All payments thus far made shall be adjusted to such amount and the balance due after such adjustment shall be paid by the petitioner to second respondent within a period of six weeks from the date of receipt of a copy of this order.

This Criminal Revision is disposed of with the above direction. Consequently connected miscellaneous petition is closed.
gm

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

The Judge,
Family Court,
Erode, Erode District.

+ 1 cc to Mr.V.S.Kesavan, Advocate SR 67183

+ 1 cc to Mr.C.Prakasam, Advocate SR 67452

rsy(co)
prk18/12

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