

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1644 OF 2015

ORDER:

This Criminal Revision Case is filed by the petitioner/petitioner challenging the order, dated 25.5.2015, in M.C.No.1 of 2013 on the file of the Judicial Magistrate of First Class, Sidhout.

2. The facts of the case, in brief, are as under:

Petitioner is the daughter of respondent No.1. Admittedly, she is unmarried and she is not taking care of respondent No.1. She filed M.C.No.1 of 2013 before the Judicial Magistrate of First Class, Sidhout seeking maintenance at Rs.20,000/- per month and the same was dismissed by the Court below on the ground that number of properties stand in her name and she can earn money through them, and the said properties were purchased by respondent No.1 in her name. Aggrieved by the same, she filed the present Revision Case.

3. When the matter is posted for hearing, learned counsel for the petitioner submitted that even though it is observed in the order impugned that number of properties stand in the name of the petitioner, the relevant documents are with respondent No.1 and if respondent No.1 files an affidavit that he will not have any claim over the said properties, then, he will not press the present Revision Case.

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4. Accordingly, learned counsel for respondent No.1 filed a detailed affidavit before this Court, which runs as follows:

"1. I am the deponent herein and the respondent in the present Criminal Revision Petition and as such I am well acquainted with the facts of the case.

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2. I submit that the petitioner herein is my daughter. The petitioner herein filed a Maintenance case against me u/s.125 of Cr.P.C. vide M.C.No.1 of 2013 on the file of the Court of the Judicial Magistrate of First Class, Sidhout.

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3. I submit that the Hon'ble Judicial Magistrate of First Class, Sidhout vide order dated 25.05.2015 dismissed M.C.No.1 of 2013 on the file of the Court of the Judicial Magistrate of First Class, Sidhout.

4. I submit that during the trial of M.C.No.1 of 2013 on the file of the Court of the Judicial Magistrate of First Class, Sidhout, I placed Exhibits R-1 to R-7 for demonstrating the plea of the petitioner herein that the petitioner herein had huge assets on her name which was kept by me on the petitioner name. The Exhibits are

1. Copy of Register Sale Deed dated 01-12-2011 vide Document No.9761/2011 of SRO., Madanapalli.

2. Copy of Register Sale Deed dated 01-12-2011 vide Document No.9760/2011 of SRO., Madanapalli.

3. Counter folio of HDFC Bank for Rs.5,00,000-00 dated 05.03.2012.

4. Counter folio of HDFC Bank for Rs.10,600-00 dated 05.03.2012.

5. Counter folio of HDFC Bank for Rs.1,50,000-00 dated 07.03.2012.

6. Account Statement of UTI, Kadapa Branch dated 11.11.2013 relating to folio No.50126499343.

7. Account Statement of UTI, Kadapa Branch dated 11.11.2013 relating to folio No.532182072631.

5. I submit that the above referred assets which are marked in M.C.No.1 of 2013 on the file of the Court of the Judicial Magistrate of First Class, Sidhout are kept by me on the petitioner name. I further submit that those assets/exhibits are under the possession of the petitioner herein. I had not retained anything which belongs to the petitioner herein.

6. I submit that I had no interest on the assets which are marked in M.C.No.1 of 2013 on the file of the Court of the Judicial Magistrate of First Class, Sidhout and further submit that I am not going to claim anything from the assets which was marked in M.C.No.1 of 2013 from the petitioner herein in the future.

7. I submit that I am giving the consent by way of this affidavit that the petitioner herein is the absolute owner/possessor of the assets which are marked as exhibits in M.C.No.1 of 2013 and further the petitioner can sale those properties as her wish to anyone and no permission is needed from me at any point of time for selling those properties. I herewith relinquish the rights on those properties which are marked in M.C.No.1 of 2013.

It is therefore prayed that this Hon'ble Court may be pleased to accept this affidavit as consent from my side for selling of the above referred properties by the petitioner herein and further no consent is necessary from my side to the petitioner in the future for

the above referred properties as this Hon'ble Court may deem fit and proper in the circumstances of the case."

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From a reading of the above affidavit, it is evident that respondent No.1 is not having any claim over the properties and deposits of the petitioner, which are mentioned in the affidavit. Considering the said stand taken by respondent No.1, this Criminal Revision Case is disposed of as not pressed.

5. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

14.7.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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