

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM

THE HON'BLE MR. JUSTICE **R.SURESH KUMAR**

Crl.R.C.No.1196 of 2017

T.Mani

...Petitioner

Vs.

C.Jayanthi

...Respondent

Prayer:- Criminal Revision Petition has been filed under Section 397 read with 401 Cr.P.C., to call for the records and set aside the order made in C.M.P.No.60 of 2017 in M.C.No.8 of 2016 dated 21.06.2017 and dismiss the same by allowing this criminal revision case.

For Petitioner : Ms.Selvi George

ORDER

This criminal revision case has been filed against the order dated 21.06.2017 passed by the learned Chief Judicial Magistrate at Krishnagiri in C.M.P.No.60 of 2017 in M.C.No.8 of 2016.

2. The very short facts which are required to be noticed in this case for disposal of this criminal revision case is as follows:

The respondent/wife had filed a maintenance case in

<http://www.judis.nic.in> M.C.No.8 of 2016 on the file of the learned Chief Judicial Magistrate at

Krishnagiri, seeking maintenance from the petitioner/husband. In the said maintenance case, the minor daughter and minor son of the petitioner had not been impleaded as party at the time of filing of the maintenance case itself. Therefore, the respondent/wife had filed the petition in C.M.P.No.60 of 2017 seeking to implead her minor daughter and minor son as parties/petitioners in the M.C.No.8 of 2016 for effective adjudication of the issue. The said application having been heard and was ultimately allowed by the impugned order of the lower Court, against which, the present revision has been filed.

3. I have heard Ms.Selvi George, learned counsel appearing for the petitioner.

4. On perusal of the impugned order, this Court finds that only the respondent/wife has filed the case in M.C.No.8 of 2016 and at the time of filing, she failed to implead her minor daughter and minor son. Since, according to the respondent/wife, both the daughter and son are minors, they are also entitled to seek the benefit of maintenance from the petitioner/husband, who is the father of the said children. Only in that context, the said petition has been filed.

5. On perusal of the impugned order, it is also found that

along with the said petition in C.M.P.No.60 of 2017, the minor daughter of the respondent/wife had also filed a separate petition in C.M.P.No.228 of 2017, where also, the very same prayer of impleadment has been sought for. However, it has been averred in the said petition that the minor daughter has become major. Nevertheless, since she would be entitled to seek maintenance, she had also filed separate petition on her own.

6. Considering all these aspects, the learned trial Judge has allowed these petitions filed by the respondent/ mother and her daughter. In view of the said allowing of the petitions, both the children of the respondent/wife have been impleaded as parties/petitioners in the main case i.e. M.C.No.8 of 2016.

7. Since, the main case is a maintenance case filed by the wife and even according to the respondent /wife, the two children are minor, assuming that the first child that is i.e., the female child had become major, that would not make her dis-entitled to seek maintenance.

R.SURESH KUMAR, J.

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Therefore, considering these aspects, the learned trial Judge allowed both the petitions and however, only against the order in C.M.P.No.60 of 2017 filed by the respondent /wife, the present revision has been filed.

8. The considered opinion of this court is that the order passed by the learned trial Judge in C.M.P.No.60 of 2017 is justifiable order and no impropriety or illegality is found in the said order. Hence, the same required no interference from this Court by exercising revisional jurisdiction of this Court.

9. In the result, this criminal revision case is dismissed.

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11.09.2017

Index :Yes/No

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To

The Presiding Officer,
The Chief Judicial Magistrate,
Krishnagiri.