



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

| Date of Reserving the Order | Date of Pronouncing the Order |
|-----------------------------|-------------------------------|
| 07.09.2018                  | 14.09.2018                    |

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CORAM :

**The Hon'ble Dr.Justice G.JAYACHANDRAN**

CRL MP(MD) Nos.5412 and 6839 of 2018  
IN  
CRL RC(MD) No.815 of 2017

CHAKRATIS

... PETITIONER  
IN BOTH CASES

**Vs**

GOMATHI

... RESPONDENT IN  
CRL MP(MD) No.5412 of 2018 and  
1<sup>st</sup> RESPONDENT IN  
CRL MP(MD) No.6839 of 2018

THE TAMIL NADU ELECTRICITY  
GENERATION AND DISTRIBUTION,  
REP BY ITS SUPERINTENDING ENGINEER,  
TAN TRANSCO, SC/OPERATION KVSS 110,  
AE/HOTLINES(RWE), PERIYAMILAGUPARAI,  
TRICHY.

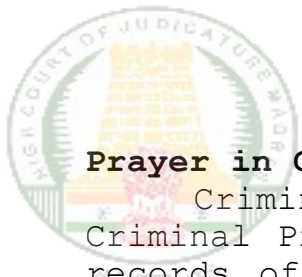
... 2<sup>nd</sup> Respondent in  
CRL MP(MD).No. 6839 of 2018

**Prayer in CRL MP(MD).No. 5412 of 2018 :**

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code praying this Hon'ble Court to direct payment of maintenance for then children namely Prabhakaran and Surya, who are majors only, for period so far each of them remained as Child as specified in section 2 (b) of Domestic violence Act.

**Prayer in CRL MP(MD).No. 6839 of 2018 :**

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code praying this Hon'ble Court to Stay all further proceedings in Cr.M.P.NO.3376/2018 in D.V.C.No.107/2016 on the file of Additional Mahila Court, Tiruchirappalli so far as the payment of maintenance to the respondent herein till further orders, pending disposal of Crl.M.P.(MD) No.5412 of 2018 in Crl.R.C.(MD) No.815 of 2017 on the file of the Honourable Court Madurai.



**Prayer in CRL RC(MD) .No.815/ 2017 :**

Criminal Revision cases is filed under section 397 and 401 of Criminal Procedure Code praying this Hon'ble Court to Call for the records of the Impugned order dated 16.08.2017 in C.A No. 15/2017 passed by the Principal Sessions Judge, Tiruchirapalli Division Tiruchirapalli in respect of the Modification made in the order directing the respondent herein to pay the Monthly maintenance to the Petitioner and her children from the date of order of the Trial court and set aside the same and confirm the order dated 29.12.2016 in D.V C. NO. 107/2016 passed by the Learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli.

**ORDER:** These Petitions are coming on Friday, the Fourteenth day of September, Two Thousand and Eighteen, upon perusing the affidavit and material papers filed, and upon hearing the arguments of Mr. S.JAYAVEL, Advocate for the Petitioner (in both cases) and of Mr. J.SANKARA PANDIAN, Advocate for the Respondent (in both cases), and having stood over for consideration till this day, this Court made the following order:-

Crl.M.P(MD)No.5412 of 2018 is filed to amend the relief granted by this Court in Crl.R.C(MD) No.815 of 2017 vide order dated 27.03.2018. The petitioner herein is the husband of the respondent in the revision petition filed against the order of maintenance passed by the Additional Mahila Court, Tiruchirappalli in D.V.C.No.107 of 2016 earlier which was on the file of learned Judicial Magistrate No.VI, Tiruchirappalli as S.T.C.No.644 of 2009.

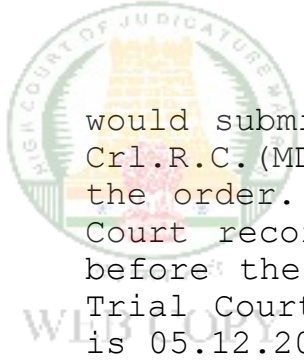
2.In this petition, it is stated that the petitioner as per the order of this Court modifying the order passed by the Court below, is paying maintenance to the respondent regularly. However, the past maintenance is to be calculated from the date of petition, i.e., 06.04.2009 the date on which S.T.C.No.644 of 2009 was filed before the learned Judicial Magistrate No.VI, Tiruchirappalli instead of 05.12.2008 as mentioned in the order of this Court dated 27.03.2018. It is also contented by the learned counsel for the revision petitioner that he is liable to pay maintenance to his sons only till they attain majority. Since they have attained majority, suitable order has to be passed by this Court deleting their name.

3.Heard the learned counsel at length.

4.There is some discrepancy in the date of filing of the maintenance petition. The trial Court will be the best forum to verify the actual date of filing and rectify the same. Likewise, if the children of the petitioner have attained majority, he can file necessary documents to prove the same before the Court below and seek appropriate remedy. There is no necessity for approaching this Court for the said relief.

<https://hcservices.ecourts.gov.in/hcservices/>

5.However, the learned counsel for the revision petitioner



would submit that since the order has been passed by this Court in Crl.R.C.(MD) No.815 of 2017, the trial Court may hesitant to modify the order. For the said purpose, to dispel his apprehension, this Court records that the date of filing of the maintenance petition before the trial Court shall be verified from the records by the Trial Court and fix it as per the records and ascertain whether it is 05.12.2008 or 06.04.2009. On such fixation, the arrears shall be reckoned from that date, as the starting date for payment of maintenance. As far as, the date of alleging majority of the children, the petitioner is at liberty to approach the trial Court and file a petition with relevant proof and seek remedy.

6. Accordingly, Crl.M.P.(MD)No.5412 of 2018 is disposed of. Consequently, connected Crl.M.P.(MD)No.6839 of 2018 is closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

**To**

- 1 THE PRINCIPAL SESSIONS JUDGE, TRICHY.
- 2 THE ADDITIONAL MAHILA JUDGE, TRICHY.
- 3 THE JUDICIAL MAGISTRATE No.VI, TRICHY.
- 4 THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

+ 1 CC TO Mr.S.JEYAVEL, ADVOCATE IN SR No. 83014

DATED : 14.09.2018

**ORDER**

CRL MP(MD) No.5412 of 2018 IN  
CRL RC(MD) No.815 of 2017

TE/TR/SKN/SAR-1 : 30/11/2018 : 3P/6C