

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1054 of 2018

1. B.Mangayarkarasi,
 2. L.M.Sarumathi,
 3. L.M.Subashini
- .. Petitioners

Vs.

1. G.A.Lakshamanan,
 2. The Senior Divisional Personnel Officer,
Southern Railways, Chennai Division,
Park Town, Chennai-600 003.
- .. Respondents

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the records in M.P.No. 384 of 2013 in M.C.No. 156 of 1993 on the file of the V Additional Prl Family Court, Chennai dated 03.10.2017 and set aside the same.

For Petitioners : Mr.M.Gnanasekar

For Respondent : Mr. G. Padmanabhan for R1

O R D E R

This Criminal Revision has been filed to call for the records in MP.No.384 of 2013 in MC.No.156 of 1993 on the file of the V Additional Family Court, Chennai dated 03.10.2017 and set aside the same.

2. The first petitioner was the wife of the first respondent and petitioners 2 and 3 are daughters of the first respondent. The petitioners filed the petition for maintenance in MC.No.156 of 1993 before the V Additional Family Court, Chennai. The Family Court, Chennai, awarded a sum of Rs.300/- each to the petitioners 2 and 3 towards monthly maintenance on 07.07.1994. Since the first petitioner married other person, she was not entitled to get the maintenance. Subsequently, the petitioners filed the petition under Section 127 Cr.P.C for enhancement of maintenance in the year 2013 in MP.No.384 of 2013 in MC.No.156 of 1993 and the same was dismissed by the Family

Court, Chennai on 03.10.2017 on the ground that the petitioners 2 and 3 attained majority. There against, the petitioner preferred the present revision before this Court.

3. The learned counsel for the petitioners would submit that at the time of passing the order, the first respondent was working in the Railway as a gangman. The Family Court, while passing the dismissal order, observed that since the petitioners 2 and 3 attained majority, they are not entitled to get the maintenance, which warrants interference.

4. The learned counsel for the first respondent would submit that the first respondent was retired from service very long back and he is unable to maintain himself with his meagre pension amount.

5. Heard the learned counsel for the petitioner, the learned counsel for the respondent and also perused the materials on record.

6. Admittedly, the first petitioner got second marriage very long back and the petitioners 2 and 3 have to bear with the first petitioner. The petitioners filed the case in MC.No.156 of 1993 and got the maintenance by order dated 07.07.1994 for a sum of Rs.300/- each to the petitioners 2 and 3 towards maintenance. Subsequently, the petitioners 2 and 3 attained majority and the second petitioner got married. Since the learned counsels on either side are not able to give the date of marriage, they admitted that the second petitioner got married and the third petitioner is also in the age of 28 years working as home guard.

7. In the circumstances, the petitioners are not entitled to get any enhancement of maintenance. The Family Court, Chennai, while dismissing the petition, had not made any observation that the second petitioner got married and the third petitioner is working as home guard. This Court does not find any reason to interfere with the order passed by the Court below.

8. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

kmi

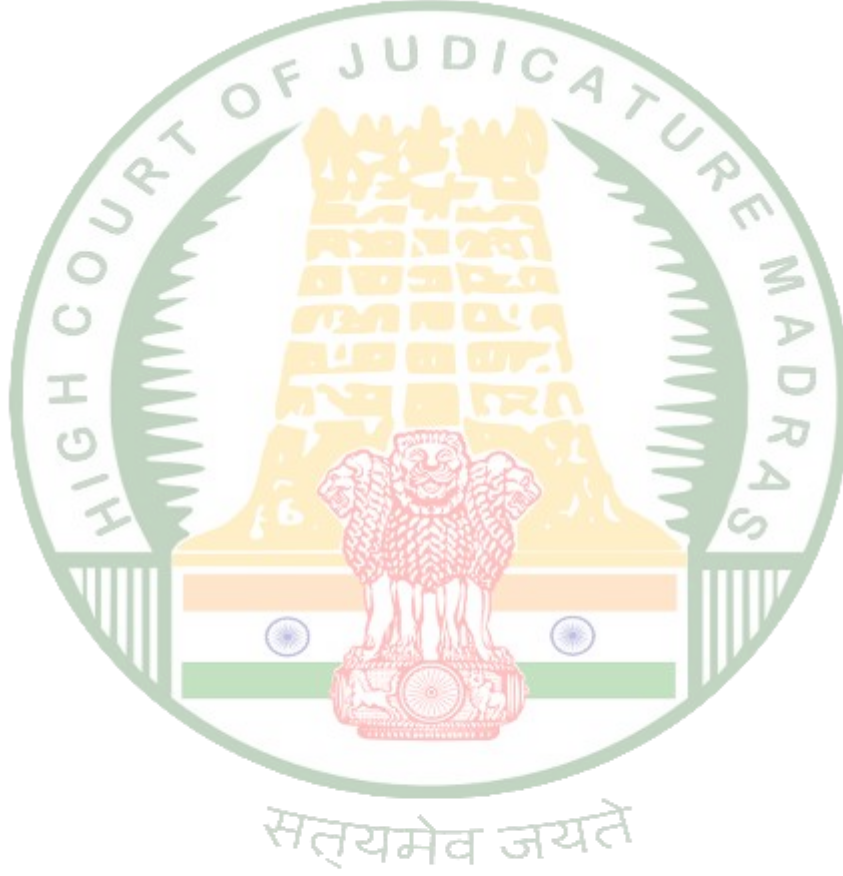
To

1. The V Additional Principal Judge,
Family Court,
Chennai.

+1 cc to M/s.D.Chellathai, Advocate, S.R.No.32153

Cr1.R.C.No.1054 of 2018

AK (CO)
SSM(22/05/2019) .



WEB COPY