

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1394 of 2013

Gayathiri

...Petitioner/Petitioner

-Vs-

T.Kumaresan

....Respondent/Respondent

Prayer: This Criminal Revision is filed under Section 397 read with 401 of Code of Criminal Procedure, to set aside the impugned order dated 08.08.2006 made in M.C.No.647 of 2004 on the file of the II Additional Family Court, Chennai.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

The Criminal Revision Case has been filed to set aside the impugned order dated 08.08.2006 made in M.C.No.647 of 2004 on the file of the learned Additional Family Court, Chennai.

2. When the matter was taken up on 25.10.2018, there was no representation on behalf of the petitioner. Despite giving several opportunities, the learned counsel for the petitioner has not come forward to argue the matter, since the revision is pending from 2013. Therefore, this Court is inclined to dispose of the revision on merits in accordance with law.

3. It is seen from the records that the petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.09.1998 as per the Hindu rites and customs at Karumariamman Koil, Tharamani, Chennai.

4. The petitioner filed a petition under Section 125 Cr.P.C., before the learned II Additional Family Court, Chennai in M.C.No.647 of 2004 for maintenance. After hearing the arguments of both sides, the learned II Additional Sessions Judge, dismissed the case on the ground that the petitioner is not the wife of the respondent and she has not proved that the

marriage was performed between the petitioner and the respondent.

5. Challenging the said order passed by the learned II Additional Sessions Judge, Chennai in M.C.No.647 of 2004 dated 08.08.2006, the petitioner has filed the present revision before this Court.

6. The marriage between the petitioner and the respondent are in dispute and the relationship is also in dispute. The respondent/husband has denied the marriage between them and also he denied the relationship between them that she is not his wife. The petitioner has not proved the marriage and the relationship between them. The Family Court has also observed that there is no material evidence to show that the petitioner is the wife of the respondent.

7. Considering the facts and circumstances of the case, this Court does not find any perversity in the order passed by the Family Court and there is no merit in the revision.

8. With the above directions, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Judge,
The II Additional Family Court,
Chennai.

Copy to

The Section Officer,
High Court, madras.

Cr1.R.C.No.1394 of 2013

VGI (CO)
NR 14/11/2019