

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.08.2019

CORAM

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH

Crl.R.C.No.791 of 2019
and Crl.M.P.No.11473 of 2019

Santhini

... Petitioner/Respondent

Vs.

M.Soundararajan

... Respondent/Petitioner

Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C. to set aside the fair and final order dated 11.02.2019 made in C.M.P.No.60 of 2018 in M.C.No.77 of 2017 on the file of the Additional Principal Family Court, Coimbatore.

For Petitioner : Mr.K.S.Karthik Raja

O R D E R

This Criminal Revision has been filed to set aside the order dated 11.02.2019 passed by the learned Additional Principal Family Judge, Coimbatore in C.M.P.No.60 of 2018 in M.C.No.77 of 2017.

2.For the sake of convenience, the parties are referred to by their name.

3.Balaji got married to Santhini on 04.03.2015 and they have a child by name Danvin Sai. The couple got estranged and therefore, Santhini has filed M.C.No.77 of 2017 before the Family Court, Coimbatore under Section 125 Cr.P.C. claiming maintenance from Balaji. Since Balaji is employed in Singapore, his father Soundararajan filed C.M.P.No.60 of 2018 in M.C.No.77 of 2017 for permission to appear and contest M.C.No.77 of 2017 on behalf of his son Balaji, which has been allowed by the Additional Principal Family Court, Coimbatore on 11.02.2019, against which, Santhini has filed the above revision petition with a delay of 26 days, for which, she filed C.M.P.No.11150 of 2019 under Section 5 of the Limitation Act, 1963. This Court condoned the delay today and took up the main revision petition itself for hearing.

4.Learned counsel for Santhini submitted that unless Balaji comes in person, no progress would be there in M.C.No.77 of 2017. He also submitted that only if Balaji comes in person, there may be chances of reconciliation.

5.No doubt, the aforesaid submissions appear reasonable, yet, for deciding the issues in M.C.No.77 of 2017, the presence of Balaji is not absolutely essential. He may lose his job in Singapore, if he is forced to come to India and that will further prejudice the case of Santhini inasmuch as Balaji will take a stand that he has no employment and therefore, not in a position to pay maintenance. Taking into consideration all these aspects, this Court is of the view that the order impugned does not suffer from any infirmity warranting interference.

In the result, this petition is dismissed. Connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gya

To

The Additional Principal Family Judge,
Coimbatore.

+1cc to Mr.K.S.Karthik Raja, Advocate Sr.70350

Cr1.R.C.No.791 of 2019

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srg 26/09/2019