



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.R.C (MD) No.69 of 2011

Karuppaiah @ Selladurai

... Petitioner/Respondent

Vs

1.Valliammal

2.Minor Chilthra

... Respondents/Petitioners

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, against the order passed in M.C.No.41 of 2007, dated 15.10.2010 on the file of the learned Judicial Magistrate, Tenkasi.

For Petitioner : M/s.V.Ramajegadeesan

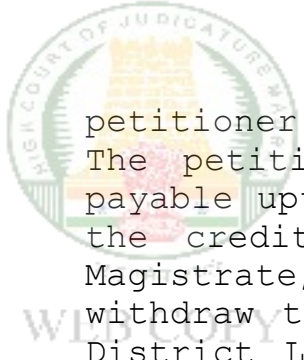
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ORDER

The petitioner herein got married to the first respondent Valliammal. The second respondent Chitra was born through the said marriage. Alleging that the petitioner had entered into a bigamous marriage and deserted them, the respondents filed M.C.No.41 of 2007 on the file of the Judicial Magistrate, Thenkasi, seeking maintenance under Section 125 of Cr.P.C.,

2.The learned trial Magistrate, by order dated 15.10.2010 allowed M.C.No.41 of 2007 and directed the petitioner herein to pay a sum of Rs.800/- per month as maintenance. Questioning the same, this criminal revision petition has been filed.

3.When the matter was taken up for hearing, the petitioner counsel informed the Court that the first respondent Valliammal died as early as on 24.03.2015. Therefore, this Court has to necessarily hold that the liability of the petitioner to maintain Valliammal had already ceased. But then, the order passed by the Court ought to have been complied with by the petitioner atleast till the date of her death ie. 24.03.2015. It is true that the second respondent was not awarded any maintenance. It is also submitted that the second respondent got married. Be that as it may, the order impugned in the revision case is sustained. The



petitioner had duty to comply with the same atleast 24.03.2015. The petitioner is directed to quantify the maintenance arrears payable upto the said date ie., 24.03.2015 and deposit the same to the credit of M.C.No.41 of 2007 on the file of the Judicial Magistrate, Tenkasi. It is for the second respondent Chitra to withdraw the same as legal heir of the deceased Valliammal. The District Legal Service Authority is directed to take appropriate steps in this case.

4.The criminal revision petition is dismissed on these terms.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

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To
The Judicial Magistrate,
Tenkasi.

Copy to:-

1. The Secretary,
District Legal Services Authority,
Tirunelveli.
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

CrI.R.C (MD) No.69 of 2011

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