

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.4000 of 2017

Ramasamy

...Petitioner/Respondent

Vs.

1. Umarani,
W/o.Ramasamy

2. Minor Balakumar,
S/o.Ramasamy,
Represented by mother and guardian,
Umarani-1st Respondent.

Respondents 1 and 2 residing at
Erumapatti, Mangalapuram Post,
Rasipuram Taluk,
Namakkal District.

...Respondents/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order of dismissal for default dated 29.06.2016 passed in Crl.R.P.No.21 of 2015 by the Principal Sessions Judge, Namakkal.

For Petitioner : No appearance
For Respondents : No appearance

ORDER

This petition has been filed challenging the order passed in Crl.R.P.No.21 of 2015 dated 29.06.2016 on the file of the learned Principal Sessions Judge, Namakkal District.

2. It is seen that the petitioner is husband of the first respondent and father of the second respondent (Minor Child). After their marriage, due to misunderstanding the first respondent left the matrimonial home and thereafter, she filed a petition for maintenance in M.C.No.10 of 2013 under Section 125 of Cr.P.C. The trial Court ordered maintenance as against the petitioner herein thereby directing the petitioner to pay a sum of Rs.5,000/- each of the respondent as maintenance, by an order

dated 19.10.2015. Aggrieved by the same, the petitioner filed revision petition in Crl.R.P.No.21 of 2015. Thereafter, the petitioner never appeared before the Appellate Court and also no one was represented on behalf of the petitioner. Therefore, the revision petition itself dismissed for default.

3. On perusal of the order passed by the trial Court, the petitioner is working in Tamil Nadu Electricity Board and also he has property. In this regard, the first respondent also marked document as Ex.P1 and considered the same, the trial Court ordered maintenance as against the petitioner. Therefore, the trial Court rightly awarded maintenance as against the petitioner and directed the petitioner to pay a sum of Rs.5,000/- each for the respondents herein. This Court does not find any infirmity or illegality in the order passed by the trial Court and not inclined to entertain this petition.

4. With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS III)MDU

//True Copy//

Sub Assistant Registrar

arb

To

The Principal Sessions Judge,
Namakkal.

CRL.O.P.No.4000 of 2017

VG II (CO)
KKV/24/09/2020

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