

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.R.C.No.975 of 2017

Louis Geetha

... Petitioner

Vs.

Sivakumar @ Praveenkumar

... Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 14.02.2017 passed by the learned Family Court Judge, Vellore, Vellore District in F.C.M.C.No.7 of 2014.

For Petitioner :Mr.V.Raghupathi

For Respondent :Mr.N.Sudharsan

ORDER

Challenging the order dated 14.02.2017, passed by the learned Family Court Judge, Vellore, in FC.MC.No.7 of 2014, the present Criminal Revision has been filed by the petitioner/complainant.

2.According to the petitioner, she married the respondent on 26.01.2001 as per Christian rites and customs. Out of wedlock, two children were born. Due to a matrimonial dispute, the parties are living separately. Claiming monthly maintenance of Rs.7,000/-, the petitioner filed FC.MC.No.7 of 2014 before the Family Court, Vellore. However, the Family Court dismissed the said petition for want of jurisdiction, vide order dated 14.02.2017, which is impugned herein.

3.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that due to unavoidable circumstances as well as non-availability of materials to place before the Family Court, the maintenance case filed by the petitioner came to be dismissed. He further submitted that now, the petitioner has sufficient

materials in support of her claim and hence, a direction may be given to the Family Court to consider the claim of the petitioner afresh, based on the materials to be placed by her.

4. Heard the learned counsel for the respondent on the above submission made by the learned counsel for the petitioner.

5. Heard both sides and perused the materials placed before this Court.

6. It is seen that the Family Court has dismissed the maintenance case for want of jurisdiction, as the petitioner has not produced substantial document to prove that she was residing in the address mentioned in the petition for a quite length of time i.e., atleast for a period of six months. According to the learned counsel for the petitioner, the petitioner is now able to produce the required documents to maintain her claim before the Family Court. There is no serious objection raised on the side of the respondent herein. Such being the present position, this Court, considering the object of the provisions of Section 125 Cr.P.C and also in the interest of justice, is inclined to set aside the order impugned herein. Accordingly, the order impugned herein stands set aside and the matter is remitted to the Family Court for fresh consideration.

7. The petitioner is directed to place all the materials available to her so as to prove her place of residence, to the Family Court, Vellore, which intturn, consider the same and pass appropriate orders in FC.MC.No.7 of 2014 on merits and in accordance with law, after providing due opportunity of hearing to both the parties, within a period of three months from the date of receipt of a copy of this order.

8. This Criminal Revision Case stands allowed in the above terms.

Sd/-

Assistant Registrar (MD)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court
Vellore, Vellore District

2.The Section Officer,
Criminal Section, High Court,
Madras.

+1cc to M/s.U.Raghubathi, Advocate SR.17079
+1cc to M/s.N.Sudharsan, Advocate SR.17925

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CP (CO)
CB(26/05/2020)



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