

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.988 of 2017
and
Crl.M.P.No.9304 of 2017

C.Krishnan ... Petitioner/Respondent

Vs

1. Rajeswari
2. K.Ajitha ... Respondents/Petitioners

Prayer:- Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. praying to call for the records in M.C.No.9 of 2013 dated 25.05.2017 on the file of the learned Judicial Magistrate, Katpadi, Vellore District and revise the same.

For Petitioner :Mr.R.Karthikeyan

For Respondents :Mr.V.Prabhu

ORDER

The revision petition is directed against the order dated 25.05.2017 passed by the learned Judicial Magistrate, Katpadi, Vellore District in M.C.No.9 of 2013.

2. The marriage between the petitioner and the first respondent was solemnized on 02.09.1990 at Margabandeswarar Temple, Vrinchipuram and they were blessed with a female child, who is the second respondent herein, on 15.01.1992. During November 2009, the first respondent left the matrimonial home without the knowledge and consent of the petitioner and filed MC.No.9 of 2013 for maintenance. The Family Court passed the order dated 25.05.2017 directing the petitioner to pay a sum of Rs.1,500/- per month to the first respondent and Rs.3,000/- per month to the second respondent till her marriage. Feeling aggrieved, the petitioner has filed the present Revision Case.

3. The learned counsel for the petitioner submitted that the first respondent is not a legally wedded wife and in Ex.P7 ration card, one Muniammal was referred to as the wife of the petitioner. He further submitted that the Family Court, without properly considering the materials available on record and without rendering specific findings with regard to the family members of the petitioner and the position of the respondents, has awarded the monthly maintenance to the respondents. Hence, the learned counsel prayed for a direction to the Family Court to reconsider the issue afresh.

4. The learned counsel appearing for the respondents has raised no objection for the same.

5. Considering the facts and circumstances of the case and also having regard to the submissions so made by the learned counsel on either side, this Court is inclined to set aside the order impugned herein.

6. Accordingly, this Criminal Revision Case is allowed by setting aside the order dated 25.05.2017 passed by the learned Judicial Magistrate, Katpadi, Vellore District in MC.No.9 of 2013. The matter is remanded back to the trial Court, who shall re-consider and dispose of the same, on merits and in accordance with law and also in the light of the materials placed before it, that too, after providing due opportunity to both the parties. The said exercise shall be completed by the trial Court within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petition is closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

To

The Judicial Magistrate,
Katpadi, Vellore District.

Copy to

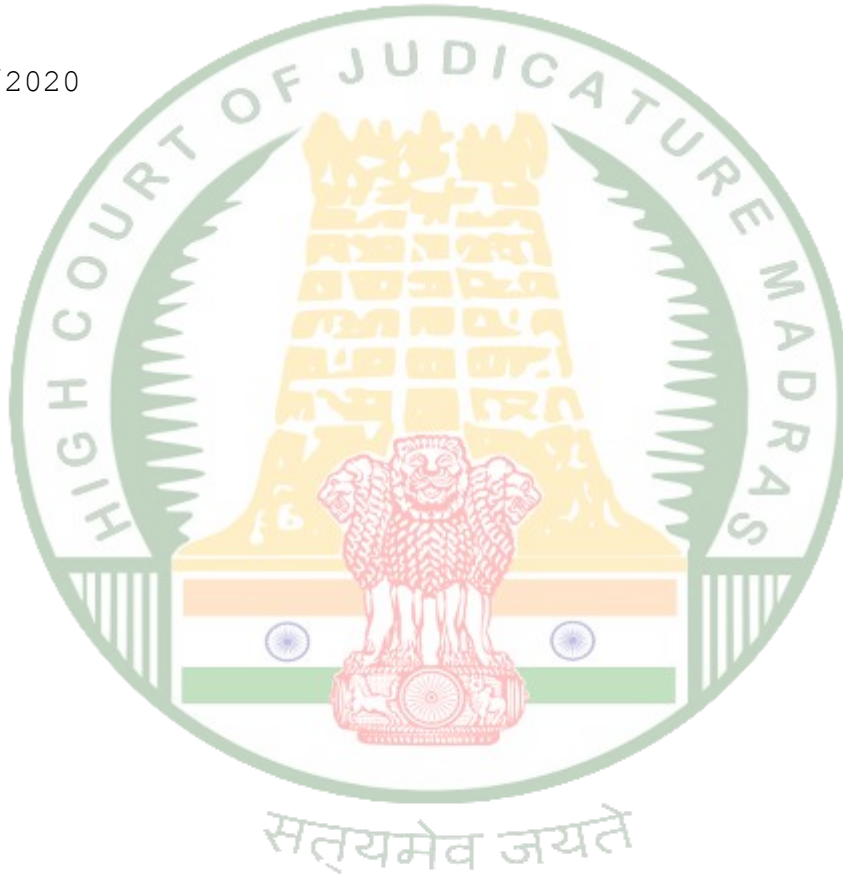
The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.R.Karthikeyan, Advocate Sr.14305

+1cc to Mr.V.Prabhu, Advocate Sr.14336

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