



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Cr1.R.C. (MD)No.473 of 2016

L.Judith

... Petitioner

versus

I.Sebastin @ Sekar

... Respondent

Prayer:-Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C. against the order dated 01.04.2016 passed in M.C.No.50 of 2015 on the file of the Family Court, Trichy.

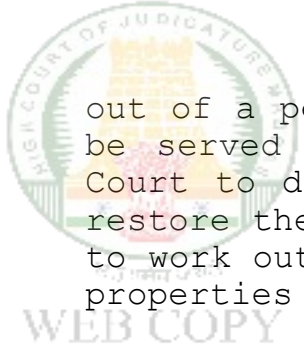
For Petitioner	:	Mr.T.Senthilkumar
For Respondent	:	No Appearance

ORDER

The revision petitioner is the wife of the respondent herein. She along with her minor son filed a petition in M.C.No.50 of 215, under Section 125 Cr.P.C., before the Family Court, Trichy, claiming a sum of Rs.2,500/- each towards monthly maintenance and also a sum of Rs.10,000/- per year towards educational expenses to the minor son. In conclusion of trial, the learned Judge, Family Court, Trichy, vide order dated 01.04.2016, dismissed the claim of maintenance of Rs.2,500/- p.m. to the wife, however, allowed the claim of maintenance to the minor son, by awarding a sum of Rs.5,000/- p.m. and also the educational expenses of Rs.10,000/- to the minor son. Aggrieved over the dismissal of claim of maintenance amount, the wife/revision petitioner has filed the present Criminal Revision Case before this Court.

2. Today, when the matter is taken up for consideration, Mr.T.Senthilkumar, learned counsel for the revision petitioner submitted that though notice was served on the husband/ respondent, viz., I.Sebastin @ Sekar, he did not appear before this Court and therefore, on the direction of this Court dated 22.07.2020, the revision petitioner has also taken out another private notice on 27.07.2020, but, the same was returned on 31.07.2020 that the husband/respondent herein died. Mr.T.Senthilkumar, learned counsel for the revision petitioner further submitted that the revision petitioner is also no more, however, he is not able to confirm the same.

3. Mr.T. Senthilkumar, learned counsel for the revision petitioner also undertakes to file the returned cover, received by him on 31.07.2020, as a proof of service and he also expressed that in view of the present situation and the proceeding is also arising



out of a petition filed under Section 125 Cr.P.C., no purpose would be served in keeping this matter pending and also requested this Court to dismiss the revision petition for default with liberty to restore the same, in the event, the revision petitioner is alive and to work out her remedy as against the legal heirs with regard to the properties of the respondent.

4. Recording the above submissions made by the learned counsel for the revision petitioner, this Criminal Revision Case is dismissed for default with liberty as prayed for.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Judge, Family Court, Tiruchirappalli.

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AP(10/09/2020) 2P 2C