



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.1290 of 2015

and

M.P.No.1 of 2015

R.Kumarasamy

...Petitioner/Respondent

Vs.

K.Sumithra

...Respondent/Petitioner

Petition filed the present Criminal Revision Petition under Section 397 and 401 of Code of Criminal Procedure to set aside the order passed in F.C.M.C.No.3 of 2015 on the file of the Family Court, Chengalpattu dated 22.07.2015

For Petitioner

: M/S.A.R.Nixon

For Respondent

: Mr.J.Selvarajan

ORDER

The petitioner has filed the present petition seeking to set aside the order passed in F.C.M.C.No.3 of 2015 on the file of the Family Court, Chengalpattu dated 22.07.2015.

2. The case of the petitioner is that, he married one Jayalakshmi in the year 1963 and they are blessed with 2 male and 2 female children and he worked as a Government servant and retired in the year 1994. While so, the respondent came under the shelter of the petitioner as housemaid to take care of his family. Thereafter, since the Government allotted one plot for one person, the petitioner got a plot in his name by including the name of one Sumithra Kumarasamy. The respondent started to live in the above said house along with her adopted children. While such being the situation, the respondent sold the said premises to the 3rd party by taking advantage of the name under which the house was bought. Thereafter, the respondent filed M.C.No.13 of 2011 and the same was taken up as F.C.M.C.No.3 of 2015, pursuant to the order dated 10.04.2015 passed by the Principal District Court, seeking for a monthly maintenance of Rs.3,000/-. The learned Judge, without considering the above



said facts, passed an order directing the petitioner to pay a monthly maintenance of Rs.2,000/- on or before 5th of every month. Hence, challenging the said order dated 22.07.2015, the present Criminal Revision Petition is filed.

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3. The learned counsel appearing on behalf of the petitioner submitted that, the petitioner married the said Jayalakshmi in the year 1963 and it is pertinent from the ration card and the Voter list that, the said Jayalakshmi is the only wife of the petitioner and the respondent came under the shelter of the petitioner as a house maid and to take care of his family. While so, the respondent, along with her relative's children, trespassed into the petitioner's house, which was allotted to him by the Government. Thereafter, the respondent changed her Muslim name to Hindu and impersonated herself and taking advantage of the name, the respondent fraudulently sold the said house to a 3rd party, which is not sustainable. He further submitted that, the petitioner filed a suit in O.S.No.318 of 2009 on the file of the District Munsif Court and the same is pending and immediately thereafter, the respondent has filed the said F.C.M.C.No.3 of 2015 on the file of the Family Court as a counter blast of the above suit. Hence, he prays this Court may set aside the order dated 22.07.2015.

4. The learned counsel appearing on behalf of the respondent submitted that, the marriage of the petitioner and the respondent was solemnized in the month of January 1981, at Murugan Temple near the Ramanathapuram Bus Stand as per the Hindu customs. While so, the petitioner, denying the said marriage is not acceptable. He further submitted that, the respondent took care of herself by doing small works and the petitioner has not provided any sort of financial support. Hence, he prays that, this Court may dismiss the present Criminal Revision petition and direct the petitioner to pay the monthly Maintenance of Rs.2,000/- as directed by the Family Court.

5. The learned counsel for the petitioner fairly conceded that, the petitioner and the respondent lived together in live-in relationship. He further submitted that, it would suffice, if this Court, without going into the merits of the case, permits the petitioner to pay the maintenance amount as ordered by the Family Court, vide its order dated 22.07.2015 in F.C.M.C.No.3 of 2015 and this court may dismiss the present Revision petition.

6. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.



7. In view of the above submissions, this Court, without going into the merits of the case, issues direction to the petitioner to pay the Maintenance amount of Rs.2,000/- per month to the respondent on or before 5th of every month as ordered by the Family Court vide its order dated 22.07.2015. This Court is not inclined to interfere with the order dated 22.07.2015 passed in F.C.M.C.No.3 of 2015. The petitioner is at liberty to file appropriate petition before the Court concerned, if he succeeds in the Suit filed in O.S.No.318 of 2009.

8. With the above direction, this Criminal Revision Petition is dismissed. Consequently, connected connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skt

To:

The Judge,
Family Court, Chengalpattu.

+1cc to Mr.AR.Nixon, Advocate SR.No.54800

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and
M.P.No.1 of 2015

KG(CO)
GN(11/03/2022)