



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.R.C.No.912 of 2015

And

M.P.No.1 of 2015

Jagadeesan ...Petitioner/Respondent

Vs.

1. N.Nithya

2. J.Monika

rep. by 1st respondent/ Mother ...Respondents/Petitioners

Prayer:

Petition filed under Sections 397 and 401 of Criminal Procedure Code, seeking to call for the records in M.C.No.36 of 2011 dated 26.12.2014 on the file of the Family Court, Coimbatore and set aside the same.

For Petitioner : Mr.C.Veeraraghavan

For Respondents : Notice unserved for R1 and R2

O R D E R

The petitioner has filed this petition seeking to call for the records in M.C.No.36 of 2011 dated 26.12.2014 on the file of the Family Court, Coimbatore and to set aside the same.

2.The facts of the case is that the marriage between the petitioner and the first respondent was solemnized on 24.05.1995 at Salem. Out of the wedlock, a female child was born and thereafter, there was matrimonial dispute inbetween them. Thereafter, the petitioner and the first respondent filed petition for mutual divorce in HMOP.No.11 of 2000 before the Family Judge, Coimbatore and the learned Family Judge, Coimbatore passed an order of divorce by mutual consent on 05.01.2000. Thereafter, as per the compromise talks for permanent alimony, the petitioner deposited a sum of



Rs.1,50,000/- for the child/ second respondent and paid a sum of Rs.25,000/- to the first respondent as alimony and also agreed for the custody of the child to be with the first respondent.

3. Thereafter, since the first respondent was not able to maintain herself and the daughter, the respondents filed M.C.No.36 of 2011 before the learned Family Judge, Coimbatore, seeking maintenance of Rs.5,000/- each per month. Before the trial Court, the first respondent examined herself as P.W.1 however, marked no exhibits. The petitioner neither examined any witness nor marked any exhibits. After adjudication, the trial Court awarded a sum of Rs.2,000/- per month towards maintenance in favour of the second respondent and no amount was awarded in favour of the first respondent. Challenging the award passed in favour of the second respondent, the petitioner has filed this revision.

4. The learned counsel appearing for the petitioner fairly conceded that the amount awarded in favour of the second respondent is just and reasonable, however, the learned counsel submitted that on 05.04.2018, marriage was performed to the second respondent and he also produced the marriage invitation of the second respondent. He further submitted that the petitioner is ready to deposit the entire award amount upto 05.04.2018 and prayed for appropriate orders.

5. Though notice was not served to the respondents, considering the pendency of the case and the facts and circumstances of the case, I am inclined to dispose of this revision.

6. The facts in the case is not disputed. The relationship between the petitioner and the respondents is not disputed. On 05.04.2018, marriage was performed to the second respondent and the petitioner is ready to deposit the entire award amount awarded in favour of the second respondent upto 05.04.2018/ till the date of her marriage.

7. In view of the above, this Court directs the petitioner to deposit the entire award amount awarded in favour of the second respondent by the learned Family Judge, Coimbatore in M.C.No.36 of 2011 on 26.12.2014 upto 05.04.2018, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the second respondent is permitted to withdraw the entire amount.

8. The learned Family Judge, Coimbatore, is directed to verify whether marriage of the second respondent has been performed at the time of deposition of the amount. If marriage



has been performed, then the learned Family Judge, Coimbatore, shall disburse the amount in favour of the second respondent.

9.If the marriage of the second respondent has not been performed, the petitioner shall deposit the entire award amount awarded in favour of the second respondent by the learned Family Judge, Coimbatore in M.C.No.36 of 2011 on 26.12.2014 and continue to pay the maintenance.

10.This revision is accordingly disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Family Court Judge,
The Family Court,
Coimbatore.

+lcc to M/s.C.Veeraraghavan, Advocate, S.R.No.44328

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SRA(CO)
RGA(30/09/2021)