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CrI.R.C.No.808 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.808 of 2020

S.Santhi

... Petitioner

Versus

D.Pragasam

... Respondent

Criminal Revision Case filed under Sections 397 and 401 Cr.P.C to call for the records in connection with F.C.M.C.No.58 of 2014 on the file of the Family Court, Vellore, Vellore District and set aside the order dated 12.09.2019.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Sathish Kumar

ORDER

The Criminal Revision Case is preferred against the order dated 12.09.2019 made in F.C.M.C.No.58 of 2014 on the file of the Family Court, Vellore, Vellore District.

2. The petitioner filed a maintenance case in F.C.M.C.No.58 of 2014



against the respondent before the Family Court, Vellore seeking maintenance.

The defence taken by the petitioner is that there was a live-in-relationship between the petitioner and the respondent and hence, she seeks maintenance.

The trial Court after appreciating the entire materials found that the respondent already got married and his first marriage is in subsistence and the petitioner has not established that after dissolution of the first marriage of the respondent, she is having live-in-relationship with the respondent. Hence, the Court below, finds that the first marriage of the respondent was not dissolved, the petitioner cannot claim any live-in-relationship and dismissed the petition. Challenging the said order, the petitioner has preferred the present revision.

3. If a man and a woman who are in a relationship, but not married, live in the same house, it is called as live-in-relationship. The married man cannot have a live-in-relationship with other woman, when his marriage is in subsistence and not dissolved by any competent Court. The Hon'ble Supreme Court in the case of ***Chanmuniya Vs. Virendra Kumar Singh Kushwah and Another*** reported in ***(2011) 1 SCC 141*** held that a woman who is having live-in-relationship is entitled to get maintenance from the man, when both are not married or the marriage of the man or woman got dissolved, whereas, in the case on hand, the petitioner has not established that she is having live-in-



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relationship with the respondent and he is unmarried person or the marriage of the respondent got dissolved.

4. As per Section 125 Cr.P.C the wife, who is unable to maintain herself is entitled to get maintenance from his husband. Only judicial pronouncement has recognised a women who is having live-in-relationship with an unmarried man or widower is entitled to get maintenance, whereas, in this case, the petitioner has not established that either the respondent is an unmarried man or a widower.

5. Under these circumstances, this Court does not find any merit in the revision and the same is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed.

14.12.2022

Index : Yes/No
Speaking Order/Non Speaking Order
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P.VELMURUGAN, J.

ms

To
The Judge,
Family Court,
Vellore, Vellore District.

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