



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.131 of 2022

and

CRL MP (MD)NO.2982 of 2022

Thennavan Vilveswaran ... Petitioner/Petitioner/Respondent

Vs.

Sumathi ...Respondent/Respondent/Petitioner

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order dt.22/12/2021 passed in Cr.MP.No.345/2021 in MC NO.17/2021 on the file of the learned Family Judge, Sivagangai and set aside the same by allowing this petition.

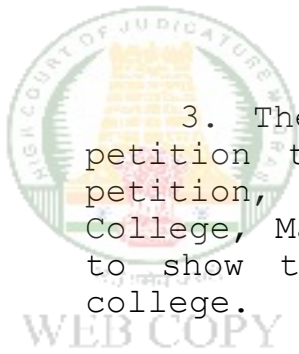
For Petitioner : Mr.P.Sepana @ Sree

For Respondent : No Appearance

O R D E R

This revision has been filed to call for the records pertaining to the order dated 22.12.2021 passed in Cr.M.P.No. 345 of 2021 in MC No. 17 of 2021 on the file of the learned Family Judge, Sivagangai , thereby dismissing the petition to summon the Principal, Madura College, Madurai to prove that the respondent is working as faculty.

2. The petitioner got married with the respondent on 14.09.2016 and thereafter due to misunderstanding the respondent got separated and living separately. Thereafter the respondent also filed HMOP No.93 of 2019 for restitution of conjugal rights. Even then the petitioner did not take her back to the matrimonial home, as such the respondent has filed a petition for maintenance in MC No.17 of 2021 seeking maintenance and she has also examined as PW.1. On perusal of the cross examination of the PW.1 reveals that there is absolutely no whisper about her employment. After her evidence the petitioner has filed petition to examine the Principal, Madura College, Madurai for the reason that the respondent is working as faculty in the said college.



3. The Court below had given sufficient opportunity to file petition to state that at the time of pending maintenance petition, whether she is working or not as faculty in Madura College, Madurai. However the petitioner has not filed any evidence to show that the respondent is working as faculty in the said college.

4. On perusal of the evidence he has clearly stated that he is not clear whether she is working in the college or not. In fact during cross examination the petitioner did not even suggest that the respondent is working or not in the Madura College. When that being so, the petitioner filed this petition to examine the Principal, Madura College, Madurai to verify whether the respondent is working in the said college or not. Hence this Court finds no infirmity or illegality in the order passed by the Court below.

5. In the result, the Criminal Revision stands dismissed. However the trial Court is directed to complete the trial proceedings within a period of six months from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Judge, Family Court,
Sivagangai

+1 CC to M/s.P.SEPANA @ SREE, Advocate (SR-12015[F] dated 14/03/2022)

ORDER MADE IN
Crl.R.C. (MD) No.131 of 2022
14.03.2022

PKP/22.03.2022/2P/3C