



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.R.C. (MD)No.184 of 2022

and

CrI.M.P(MD)No.2796 of 2022

C.Sinivasan

... Petitioner/
Father of 2nd Respondent

Vs.

R.Rameshwari (Died)
W/o.Srinivasan

...Mother of 1st Repondent/Died

1.S.Madhan vasan(Minor)

...Respondent No.1/Respondents/
Minor son the revision petitioner

2.R.Parameshwari

...Respondent No.2/
Grandmother of the 1st Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and Set Aside to the order passed in Cr.M.P. No. 300/2020 in M.C. No. 17 of 2018, dated 03.12.2021 on the file of the court of District Munsif cum Judicial Magistrate Court, Vilathikulam, Thoothukudi.

For Petitioner : Mr.R.Maheswaran

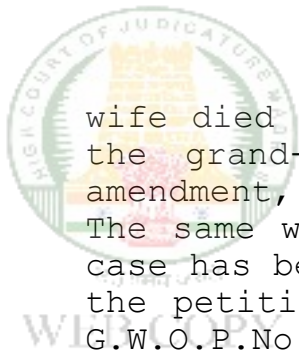
For R1 : minor

For R2 : Mr.V.P.Rajan

ORDER

The criminal revision case has been filed to set aside the order passed in CrI.M.PNo.300/2020 in M.C.No.17 of 2018, dated 03.12.2021 on the file of the Court of District Munsif cum Judicial Magistrate Court, Vilathikulam.

2.The petitioner is the husband. He got married the daughter of the second respondent on 22.08.2010. After their marriage, they gave birth to the first respondent. Thereafter, due to misunderstanding between the petitioner and the deceased wife, they were driven out from the matrimonial home. Therefore, the deceased wife and the first minor son filed the maintenance case in M.C.No.17/2018 before the Court of District Munsif cum Judicial Magistrate Court, Vilathikulam. While pending maintenance case, the



wife died due to ailment. Therefore, the second respondent, who is the grand-mother of the first respondent filed a petition for amendment, seeking permission to represent the first respondent. The same was allowed. Aggrieved by the same, the present revision case has been filed on the ground that after the demise of his wife, the petitioner is being the biological father, he filed a petition G.W.O.P.No.4/2020, on the file of the Family Court, Sriviliputhur and it is pending.

3.If it is so, the second respondent need not to represent on behalf of the first respondent herein. It is seen that originally, the petitioner's wife and the first respondent is being the minor son had filed maintenance case as against the petitioner. While pending trial, the wife of the petitioner died and the second respondent, who is being the grand-mother of the first respondent has stepped into the shoes of the deceased wife, claiming maintenance for the first minor respondent. If at all, the minor succeeds in the guardian original petition, the very maintenance itself does not arise. However, in the mean while, the first minor respondent has to be represented by some one.

4.Therefore, the Court below rightly allowed the petition filed by the second respondent and this Court finds no infirmity or illegality in the order passed in Crl.M.PNo.300/2020 in M.C.No.17 of 2018. Accordingly, the criminal revision case is dismissed. It is made clear that impleading the second respondent would not cause any prejudice to the case of the petitioner in the guardianship original petition. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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

1.The District Munsif cum Judicial Magistrate,
Vilathikulam, Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V. UTHAYAKUMAR, Advocate (SR-17587[F] dated
08/04/2022)

Crl.R.C. (MD)No.184 of 2022

and

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RK(04/05/2022) 3P 5C