



Crl.R.C.(MD).No.435 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.435 of 2022

A.Venkatesh

... Petitioner

Vs.

G.Santhini

... Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in CrI.M.P.No.207 of 2021 dated 11.04.2022 in M.C.No.118 of 2017 on the file of the Family Court, Madurai and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.P.Sepana @ Sree

ORDER

This Criminal Revision Case has been filed to set aside the order passed in CrI.M.P.No.207 of 2021 dated 11.04.2022 in M.C.No.118 of 2017 on the file of the Family Court, Madurai.



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2. The learned counsel for the petitioner submitted that the respondent filed a maintenance case before the trial Court and the petitioner wants to file a additional Counter. Therefore, he filed a Cr.M.P.No.207 of 2021 seeking to receive the additional counter affidavit in M.C.No.118 of 2017. In the additional counter affidavit, the petitioner has raised several facts, without considering the same, the trial Court dismissed the petition. Hence, the present revision has been filed before this Court.

3.The learned counsel for the petitioner further submitted that the facts that are mentioned in the additional counter affidavit were not taken into account while passing the above said order and in the additional counter, several new facts are raised by the petitioner. Therefore, this Court may issue a direction to the trial Court to receive the additional counter.

4. In the additional counter, the petitioner has given an undertaking that he is ready to take back his wife to the matrimonial home, even though there are some sort of facts contradicting the admission that was earlier made before the Family Court, Madurai, during the proceedings in H.M.O.P.No.334 of 2015. The trial Court is of the view that the above said admission should not be permitted to be contradicted by filing the additional



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counter. No doubt, the trial Court is right in its finding on that point because of the admission that has been made by the petitioner before the Family Court in H.M.O.P.No.334 of 2015 with regard to the paternity of the child. No doubt, now the paternity of the child cannot be disputed by way of filing the additional counter, but, however, as I mentioned earlier, the undertaking has been given by the petitioner in the additional counter to the effect that he is ready to take back his wife to the matrimonial home. To the limited extent only, the above said additional counter can be received. Therefore, the trial Court is directed to receive the additional counter affidavit only to the limited point as I mentioned above.

With the above directions, this Criminal Revision Case is allowed to that extent only.

14.11.2022

Index : Yes / No
Internet : Yes / No
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To,

Family Court, Madurai



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G.ILANGOVA, J.

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