



WEB COPY



Crl.O.P.No.26153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26153 of 2023

and

Crl.M.P.No.18183 of 2023

Rajendran

... Petitioner

Vs.

Kanaga

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside order dated 08.09.2023 made in Crl.R.C.No.11 of 2022 on the file of the Additional District and Sessions Judge, Dharmapuri confirming the order dated 19.07.2022 made in M.C.No.08 of 2014 on the file of the learned Judicial Magistrate, Harur by allowing this petition.

For Petitioner : Mr. R.Prabakar

ORDER

This petition is filed challenging the order passed by the learned Additional District Sessions Judge, Dharmapuri in Crl.R.C.No.11 of 2022 confirming the order passed by the learned Judicial Magistrate, Harur in



M.C.No.08 of 2014. It is a case of maintenance initiated by the wife against the petitioner herein. Both the trial Court as well as the Revision Court has held against the petitioner. However, not satisfied with the judgement of the Court below, present petition is filed.

2. According to the learned counsel for the petitioner, respondent is not a legally wedded wife of the petitioner and the documents relied by the respondent are not sufficient to hold that they are married and the petitioner is not liable to maintain.

3. However, on perusing the order of the trial Court as well as the Court of Revision, this Court finds that, to prove the marriage and the birth of the Child through the marriage, respondent has examined herself and six witness and 15 documents were marked, which are Ration Card, Adhar Card, Marriage Invitation, School Transfer Certificate, Community Certificate etc., The Court below has gone into those documents and had discussed about its content which prove the factum of joint living as husband and wife and the child birth. It is too late in the day to disown the marriage and fraternity.



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4. In the light of the above, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

Sma

To:

Additional District and Sessions Judge, Dharmapuri



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Dr.G.JAYACHANDRAN,J.

Sma

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