



WEB COPY



CRP No.2422 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

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

CRP.No.2422 of 2017

Kamalam

..Petitioner

Vs.

Rathinam

1.Thirumurugan

2.Manimurugan

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 03.01.2017 made in I.A.No.980 of 2016 in O.S.No.187 of 2008 on the file of the Sub-Court, Namakkal.

For Petitioner : Mr.T.Dhanyakumar

For Respondents

For R1 & 2 : No appearance

ORDER

The civil revision petition has been filed as against the fair and decreetal order dated 03.01.2017 passed in I.A.No.980 of 2016 in O.S.No.187 of 2008 on the file of the Sub-Court, Namakkal, thereby dismissing the petition filed for seeking implead the respondents 1 and 2 herein as defendants in the suit.

2. The petitioner is the plaintiff and she filed a suit for maintenance as



CRP No.2422 of 2017

against her husband seeking monthly maintenance of Rs.5000/-.

WEB COPY

3. Pending the suit, her husband, the sole defendant died. Therefore, the petitioner filed a petition to bring on the legal representatives of the deceased husband as defendants in the suit. The proposed defendants were born to the second wife of the deceased husband. The maintenance suit can be maintainable only as against the husband. Though, the petitioner stated that the respondents 1 and 2 were born to her husband though his second wife, she failed to prove the same. That apart, once the family Court came into force, the suit for maintenance before the Civil Court is not at all maintainable. Therefore, the Court below rightly dismissed the application and this Court finds no infirmity or illegality in the orders passed by the Court below.

4. Accordingly, the civil revision petition stands dismissed. There shall be no order as to costs.

03.01.2023

Speaking/Non-speaking order
Index : Yes/No
ata

G.K.ILANTHIRAIYAN.J.



CRP No.2422 of 2017

ata

To

The Sub-Court, Namakkal.

CRP.No.2422 of 2017

03.01.2023