



C.R.P. (MD) No. 1437 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1437 of 2024
and
C.M.P. (MD) No.8514 of 2024

D.David Sahayaraja

... Petitioner/
Respondent

-VS-

1.Jeevanathiya
2.Joylin Kesiya
(through her mother
1st respondent)

... Respondents/
Petitioners

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records in M.C.No.13 of 2024 on the file of the Family Court, Srivilliputhur, Virudhunagar District and strike-off the same.

For Petitioners : Mr.J.Gunaseelan Muthiah

ORDER

The Civil Revision Petition is filed with the prayer to strike-off the M.C.No.13 of 2024 on the file of the Family Court, Srivilliputhur, Virudhunagar District.



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2. The case of the petitioner is that the M.C.No.13 of 2024 is filed by one Jeevanathiya. The said Jeevanathiya is not a legally wedded wife of the petitioner. Even she has lodged a false complaint against the petitioner which is registered as Crime No.8 of 2023 before the All Woman Police Station for an offence under Section 417,376 and 506(1) of the Indian Penal Code, 1860. In view thereof, she will not be entitled to claim maintenance under Section 125 of Code of Civil Procedure, 1908 and hence, the petitioner is before this court.

3. The Learned Counsel appearing on behalf of the petitioner would reiterate the said submissions and request this Court to entertain the petition and grant an interim order.

4. I have considered the said submissions made on behalf of the petitioner and perused the material records of the case.

5. Even assuming for a moment that the first petitioner as contended by the learned Counsel for the petitioner would not be entitled for maintenance, the above M.C.No.13 of 2024 is also filed on behalf of the minor child. Whether the petitioner is the father of the said child and whether that child is entitled to maintenance are all the questions to be decided by the Trial Court. Similarly,



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whether the first petitioner is a legally wedded wife or any other person, who may be entitled to maintenance or not is to be decided by the Trial Court only upon considering the defense of the petitioner herein and evidence that may be let in on behalf of the petitioners as well as the petitioner after trial. Therefore, at the outset, the contention of the petitioner seems to be that when the first respondent herein had called the petitioner as a rapist, he cannot be termed as a husband or a father and no maintenance can be granted. Such a plea cannot be accepted by this Court at this stage and therefore, leaving open for the petitioner to raise all the contentions before the Trial Court, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

04.07.2024

NCC : Yes/No

PKN



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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

1.The Family Court, Srivilliputhur, Virudhunagar District.

2.The Section Officer,

Vernacular Records,

Madurai Bench of Madras High Court,

Madurai.

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