



C.R.P.(MD)No.1949 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1949 of 2025

A.Marudha Muthu

...Petitioner

Vs.

1.Kodimalar

2.Nithin Ajay

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records in Maintenance case in M.C.No.02 of 2024 on the file of the Judicial Magistrate, Melur and pass an order to dismiss the petition as not maintainable in M.C.No. 02 of 2024, on the file of the Judicial Magistrate, Melur.

For Petitioner : Mr.S.Raja Mohamed

For Respondents 1 & 2 : Mr.G.Kaleeswaran



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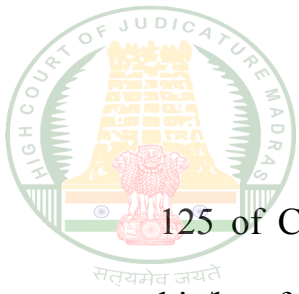
ORDER

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This petition has been filed seeking to strike off the proceedings / Petition in M.C.No.02 of 2024, on the file of the Judicial Magistrate, Melur.

2.Learned Counsel for the petitioner would submit that the present Civil Revision Petition has been filed challenging the Maintenance Case in M.C. No. 02 of 2024, filed by the first respondent on behalf of the second respondent, claiming as if the first respondent is in living relationship with the petitioner and out of which, the second respondent was born. Thereby, the first respondent filed maintenance case, claiming that her son is an illegitimate child born between the first petitioner and the petitioner. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner submits that the first respondent married one Ravi belonging to the same community. The second respondent is born out of the said marriage. However, the first respondent claims maintenance in terms of Section 125 Cr.P.C., as if the second respondent is an illegitimate child. However, the fact remains that the second respondent is not born out of the relationship between the petitioner and the first respondent. As per Section



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125 of Cr.P.C., even illegitimate child is entitled to claim maintenance from his/her father. However, learned Counsel for the petitioner would submit that the biological relationship of the petitioner and the second respondent has to be established before the trial Court and hence, prays this Court to grant liberty to the petitioner to file appropriate petition for conducting DNA test to prove that the second respondent is born out of the relationship of the petitioner with the first respondent.

4.Learned Counsel for respondents submits that admittedly, the petitioner and the first respondent were in living relationship and out of the said relationship only the second respondent was born. Further, the first respondent is not claiming any maintenance from the petitioner for herself, rather she claims maintenance only for her illegitimate child from the petitioner and she is prepared to prove the fact that the petitioner is the biological father of the second respondent before the trial Court and she has no serious objection for the DNA test also.

5.In view of the above, this Civil Revision Petition stands disposed of, with liberty to the petitioner to file an appropriate application to conduct DNA test between the petitioner and the second respondent, to ascertain whether the



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petitioner is the biological father of the second respondent or not. There shall be no order as to costs.

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Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Judicial Magistrate,
Melur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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