



CrI.R.C.(MD)No.60 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.R.C.(MD)No.60 of 2025
and
CrI.M.P.(MD)Nos.757 and 758 of 2025

Kariyamal

... Petitioner

-VS-

1.Minor Anbarasi

2.Minor Yuvaraj Pandian

(1st and 2nd Respondents are represented through
their mother/guardian Maheswari)

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023, to call for the records pertaining to the impugned order passed in M.C.No.158 of 2022 dated 02.09.2024 on the file of the Family Court, Theni and set aside the same.

For Petitioner

: Mr.A.Aruljenifer

For Respondents

: Mr.D.Raja Boopathy

ORDER

Challenging the order passed by the learned Family Court, Theni, in M.C.No.158 of 2022 dated 02.09.2024, this Criminal Revision Petition is filed.



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2.Heard the learned counsels on either side and carefully perused the materials available on record.

3.The learned Judge, Family Court, passed an order, directing the respondent therein to give maintenance of Rs.5,000/- to each of the petitioners therein.

4.However, it is recorded in paragraph no.8 of the impugned order that at the time of arguments, the learned counsel for the respondent therein placed a submission that the third petitioner minor son was not born to him. The learned counsel further submitted that the first petitioner therein had illegal relationship with one Thangaraj pointing out that she had tattooed the name of Thangaraj in her right hand. However, the learned Trial Court had rightly observed that no steps have taken on the side of the respondent therein to conduct DNA test on the third petitioner and the respondent therein to prove the paternity of the child and that apart, the learned Trial Court rightly concluded that only because a women had tatoood the name of some body else, it would not be a conclusive evidence that she had got illegal relationship with a person whose name is tatoood in her hand. Relying upon the birth certificate of the third petitioner therein, the learned Trial Court had rightly passed an order of maintenance, directing the respondent therein to pay a sum of Rs.5,000/-



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each every month to the petitioners therein.

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5.Hence, this Court do not find any infirmity in the order passed by the learned Trial Court. It is also brought to the notice of this Court that the petition for divorce in H.M.O.P.No.10 of 2020 is filed by the wife and an exparte decree has been passed in the said case, due to the non appearance of the petitioner herein. However, the petitioner is at liberty to set aside the said H.M.O.P. and take necessary steps to determine the paternity of the minor child, if so advised.

6.Accordingly, this Criminal Revision Case is dismissed. In view of the above, CrL.M.P.(MD)No.758 of 2025 is also dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

23.07.2025

NCC :Yes/No

Index :Yes/No

Internet : Yes

Mrn

To

1.The Judge, Family Court, Theni.



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L.VICTORIA GOWRI, J.

Mrn

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