



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD) No.571 of 2015

J.Anthony Huxley Jesudasan ... Revision
Petitioner/Respondent

-vs-

1.A.Pushpa Gandhi
2.Minor Fedora ... Respondents/Petitioners
(Rep. through her mother and 1st Respondent)

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order of the learned Family Court Judge, Tirunelveli, passed in M.C.No.4 of 2014 dated 25.06.2015 and set aside the same.

For Petitioner: Mr.D.Selvaraj
For Respondent: Mr.S.R.Anbarasu

O R D E R

An husband in a M.C. case practically seeks opportunity to contest the M.C. Case on merits.

2.The wife and daughter, who are respondents 1 and 2 have sought for maintenance in M.C.No.4 of 2014 in the Family Court, Tirunelveli. On 25.06.2015, the revision petitioner/husband was set exparte. Evidence was recorded. Ultimately Rs.5,000/- each and totally Rs.10,000/- was granted.

3.The learned counsel for the revision petitioner submits that he has also filed counter in the main M.C. case. He has valid ground to make. He may be given an opportunity to contest the case. He is ready to abide the conditions of the Court. He will not drag on the proceedings, he is ready for quick disposal.

4.The learned counsel for the respondents submits that <https://hcservices.hcourtsgov.in/hcservices/> service court opportunity was given to the petitioner. He wants to drag on the proceedings.



5.I have anxiously considered the rival submissions and perused the impugned order and the materials on record.

6.It is seen that the revision petitioner was set exparte. He has also filed counter in the main M.C. case. In the facts and circumstances, he may be given an opportunity, however, on terms on conditions ensuring certain monetary relief to the respondents.

7.It is ordered as under:

(1) This revision is allowed.

(2) The impugned order passed by the learned Judge, Family Court, Tirunelveli in M.C.No.4 of 2014 on 25.06.2015 is set aside.

(3) M.C.No.4/2014 is remanded to the Family Court, Tirunelveli.

(4) The said Judge shall give opportunity to the petitioner to cross-examine the respondents witnesses and let in evidence, if any, on his side and after hearing both sides the learned Judge will pass orders in accordance with law.

(5) Till the disposal of the M.C. Case, the revision petitioner shall continue to pay Rs.5,000/- each to the respondents 1 and 2 per month without fail.

(6) The Judge, Family Court, Tirunelveli shall dispose of the M.C.No.4 of 2014 within 3 months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

The Judge,
Family Court,
Tirunelveli.

+ 1 CC TO MR.D.SELVARAJ, ADVOCATE IN SR No. 32572

SJ

TE/ARK-PV/ : 28/06/2016 : 2P/3C

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