



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.R.P. (MD) No. 1350 of 2016 (PD)

Balamurugan

.. Revision Petitioner/
Petitioner/Respondent

Vs.

1. Mariyayee

2. Lavanya (Minor)

(Represented by her natural guardian/

Mother the 1st respondent)

.. Respondents/Respondents/
Petitioners

PRAYER: Petition is filed under Article 227 of Constitution of India, to allow this Revision Petition and to number the unnumbered I.A.SR.No.1193 of 2016 in M.C.No.216 of 2014 on the file of the Family Court, Trichy, dated 17.03.2016.

For Petitioner : Mr.C.K.M. Appaji

O R D E R

This Revision is filed seeking a direction to the Family Court, Thiruchirappalli, to number the petition filed in I.A.No.SR1193 of 2016 in M.C.No.216 of 2014.

2. Mr.C.K.M.Appaji, learned counsel for the petitioner would submit that the respondent filed a maintenance case originally before the learned Chief Judicial Magistrate, Thiruchirappalli, seeking maintenance under Section 125 of Cr.P.C., and the petition was later transferred to the Family Court, Thiruchirappalli. It is further submitted that the petitioner did not receive notice from the Family Court and after receipt of notice in the petition filed under Section 128(3) of Cr.P.C., he came to know about the ex-parte decree passed in the main case on 23.12.2014.

3. The learned counsel for the petitioner would further submit that the petitioner filed an application to condone the delay of 430 days in filing application to set aside the ex-parte decree. The petition was returned on 17.03.2016 to rectify some defects and after complying the same, it was re-presented on 22.03.2016,

however, the petition was not received by the Family Court.

4. Considering the above said submissions, the Family Court, Thiruchirappalli is directed to receive the petition in I.A.No.SR1193 of 2016 in M.C.No.216 of 2014, and if it is in order, number the same and dispose it on merits in accordance with law.

5. With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

The Judge, The Family Court, Trichy.

Copy To: The Section Officer, Current Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc to M/s.C.K.M.Appaji, Advocate in SR.No.34712

pmu

CSL/PEK/19.07.2016 : 2p/4c

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