



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.01.2017
CORAM

THE HON'BLE MR.JUSTICE B.GOKULDAS

Cr1.R.C.(MD) No.614 of 2015

Kalaimani

... Petitioner/Petitioner/
Respondent

-vs-

1. Rajakumari
2. Priyadarshini
3. Preetha
4. Vigneshwaran

... Respondents/Respondents/
Petitioner

Prayer: Petition filed under Sections 397 and 401 of Code of Criminal Procedure to call for the records relating to the order dated 18.11.2015 in Cr.M.P.No.461 of 2015 in M.C.No.9 of 2014 on the file of learned Judicial Magistrate, Devakottai, set aside the same and consequently, allow the criminal revision petition.

For Petitioner : No Representation
For Respondents : Mr.C.Vetrian

O R D E R

This petition has been filed, seeking to set aside the order dated 18.11.2015 passed in Cr.M.P.No.461 of 2015 in M.C.No.9 of 2014 by the learned Judicial Magistrate, Devakottai.

2. When the matter was taken up for hearing on 04.01.2017, there was no representation on behalf of the petitioner and therefore, the matter was directed to be listed under the caption "either for disposal on merits or for dismissal". Even today, none represented for the petitioner.

3. It is seen that this petition has been pending from the year 2015 and there is no progress since then. A perusal of the counter affidavit filed by the respondents would reveal that they filed a petition in M.C.No.9 of 2014 before the learned Judicial Magistrate, Devakottai, claiming maintenance, which was disposed of by the Lok Adalat Bench, pursuant to the amicable settlement arrived at between the parties. However, the petitioner herein has
<https://hcservices.ecourts.gov.in/Hcs/Mcs/461> of 2015 in M.C.No.9 of 2014 before the learned Judicial Magistrate, Devakottai, stating that the Lok Adalat Award



was passed without his concurrence. Since the Trial Court dismissed the said petition, the petitioner is before this Court.

4. The Lok Adalat Bench has already passed the maintenance award based on the compromise between the parties and the amicable order has also been signed by the petitioner and therefore, the petitioner cannot now take a stand that the said award has been passed behind his back. Moreover, the petitioner has not appeared before this Court consecutively to prosecute the matter.

5. Hence, this Criminal Revision Petition is dismissed for default.

Sd/
Assistant Registrar(CS I)

/TRUE COPY/

Sub Assistant Registrar

To:

The Judicial Magistrate,
Devakottai.

+1cc to M/s.C.Vetrian, Advocate, in SR No.2926

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