



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM:

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THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.R.C.(MD)No.168 of 2017
and Crl.M.P.No.1603 of 2017

Manikandan ... Petitioner/Petitioner/Respondent

Vs.

A.Kanniammal ... Respondent/Respondent/Petitioner

PRAYER: The Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records pertaining to the order dated 18.01.2017 made in Crl.M.P.No.140 of 2016 in M.C.No.8 of 2016 on the file of the learned Family Court, Dindigul and set aside and allow the above criminal revision petition.

For Petitioner : Mr.M.Shakul Hameed
For Respondent : Mr.S.Ayyanar Prem Kumar

ORDER

This petition has been filed by the petitioner to set aside the order dated 18.01.2017 made in Crl.M.P.No.140 of 2016 in M.C.No.8 of 2016 by the Family Court, Dindigul.

2.The learned counsel for the petitioner and the learned counsel for the respondent are present.

3.The petitioner is the husband of the respondent herein. The respondent filed a petition in M.C.No.8 of 2016 before the Family Court, Dindigul under Section 125 Cr.P.C., seeking monthly maintenance against the petitioner herein and the petitioner was set exparte on 18.11.2016 and hence, the petitioner has filed a petition in Crl.M.P.No.140 of 2016 to set aside the exparte order and the Trial Court has passed an order, directing the petitioner to pay a sum of Rs.1,000/- to the respondent by 12.01.2017 failing which this petition stands dismissed.

4.While the matter was called on 18.01.2017, the petition was dismissed for non-payment of the cost as per order by the Trial Court itself. Against the order of dismissal of Cr.M.P.No.140 of 2016 for non-payment of cost, present Criminal Revision is preferred before this Court.



5.While the matter is pending before this Court, both parties appeared before mediation centre for settlement. However, the mediation is failed.

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6.It is stated by the petitioner that the petitioner himself filed a petition, seeking conjugal rights in H.M.O.P.No.18 of 2016 before the Family Court, Dindigul and it is pending.

7.The learned counsel for the petitioner submitted that the petitioner is working in military, however, he has not properly complied with the conditional order imposed by the Trial Court in respect of payment of cost.

8.The learned counsel for the respondent submitted that the petition in M.C.No.8 of 2016 is still pending before the Trial Court. The learned counsel for the petitioner submitted that the petitioner gave the cost of Rs.1,000/- through counsel, but the same was not tendered by the counsel appearing for the petitioner in time before the Court on the date of hearing and even now the petitioner is ready to deposit the amount before the lower Court.

9.Considering the facts and circumstances of the case and reasons assigned by the petitioner herein, this Court is inclined to allow this Criminal Revision by setting aside the order passed by the Trial Court and the petitioner is directed to deposit a sum of Rs.1,000/- in addition to the sum of Rs.1,000/- as per order passed by the Trial Court (totally a sum of Rs.2,000/-) to the credit of M.C.No.8 of 2016 before the Trial Court within a period of two weeks from the date on which the order copy is made ready. Further, the Trial Court is directed to dispose the case in M.C.No.8 of 2016 within a period of 2 months from date of depositing the said amount. The respondent is permitted to withdraw the deposited amount on filing proper application. Consequently, connected Crl.M.P.is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

The Family Judge, Dindigul.

+One cc to Mr.M.Shakul Hameed, Advocate, SR.No.88022

gns

RL/3C/2P/KP/SAR4/14/12/2017

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