

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.1290 of 2018
AND CRL.M.P.No.15118 of 2018

V.P.Babu .. Petitioner

Vs

M.P.Sangeetha .. Respondent

Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. praying to set aside order passed in M.C.No.04 of 2017, dated 14.08.2018 on the file of the Family Court, Tiruvallur.

For Petitioner : Mr.B.Jawahar

O R D E R

Babu got married to Sangeetha on 09.12.2016 and thereafter, they got separated. Sangeetha filed M.C.No.4 of 2017 before the Family Court, Tiruvallur under Section 125 of Cr.P.C. claiming maintenance. Babu received notice, but did not appear before the trial Court and therefore, he was set ex-parte on 18.04.2018. Babu filed M.P.No.6 of 2018 in M.C.No.4 of 2017 under Section 126(2) Cr.P.C for setting aside the ex-parte order dated 18.04.2018. The Family Court, after hearing either side, by order dated 09.07.2018 in M.P.No.6 of 2018, allowed the petition and set aside the ex-parte order, on condition that Babu should deposit Rs.60,000/- on or before 31.07.2018. Challenging the said order, Babu filed Crl.R.C.No.920 of 2018 before this Court. During the pendency of Crl.R.C.No.920 of 2018, the trial Court passed final orders in M.C.No.4 of 2017, awarding maintenance of Rs.10,000/- to Sangeetha. Therefore, Babu withdrew Crl.R.C.No.920 of 2018 on 23.08.2018. Challenging the final order dated 14.08.2018, Babu is before this Court.

2.In the light of the order, this Court proposes to pass, no notice need be served on Sangeetha.

3.Heard Mr.B.Jawahar, learned counsel for Babu, who submitted that on account of penury, Babu was not able to comply

with the earlier order dated 09.07.2018 in C.M.P.No.6 of 2018, on account of which, he was not able to contest M.C.No.4 of 2017 effectively.

4.The fact remains that till date, Sangeetha has not seen the colour of the coin. The trial Court was justified in passing a conditional order in C.M.P.No.6 of 2018 dated 09.07.2018, directing Babu to deposit Rs.60,000/- as a condition precedent for setting aside ex-parte order.

5.However, in order to give one more opportunity to Babu to defend the case effectively, this Court passes the following order:

a)Babu shall deposit Rs.30,000/- within two weeks from the date of receipt of copy of this order to the credit of M.C.No.4 of 2017 on the file of the Family Court, Tiruvallur.

b)If Babu fails to deposit Rs.30,000/-, the order dated 14.08.2018 M.C.No.4 of 2017 will become absolute.

c)Thereafter, four weeks time is granted to Babu to deposit balance sum of Rs.30,000/- to the credit of M.C.No.4 of 2017 before the Family Court, Tiruvallur.

d)In the event of the failure of Babu to deposit the second installment of Rs.30,000/-, the order dated 14.08.2018 in M.C.No.4 of 2017 will become absolute.

e)In the event of Babu depositing the amount, Sangeetha will be entitled to withdraw the same.

f)The order dated 14.08.2018 in M.C.No.4 of 2017 will stand set aside on the date when Babu completes the deposit of Rs.60,000/- in toto, within the aforesaid time period. Only thereafter, the trial Court need to give an opportunity to Babu to contest M.C.No.4 of 2017.

6.Whatever is observed above is only for deciding this petition and the trial Court shall proceed with the case without in any manner being influenced by it.

With the above direction, this petition is ordered accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dua

To

Family Court,
Tiruvallur.

+1cc to Mr. Amar D.Pandiyan, Advocate, S.R.No. 77593

CRL.R.C.No.1290 of 2018

SS (CO)
GN (06/12/2018)



WEB COPY