

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.R.C.No.592 of 2016
and
CrI.M.P.No.4066 of 2016

Sathya @ Sathyaraj

...Petitioner

-Vs-

Revathi
Rep.by her Mother
Bharathi

...Respondent

PRAYER:-

This Criminal Miscellaneous Petition is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order in C.M.P.No. 1030 of 2016 in M.C.No. 7 of 2009 dated on 8th day of March, 2016 by the Learned Judicial Magistrate Court No.2, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr.V.Prabhakaran
No appearance

For Respondent : Mr.K.G.Senthilkumar

O R D E R

The Revision Petitioner is the husband and his wife, being the Natural Guardian of the minor child Revathi/Respondent has filed a petition under Section 125 of Cr.P.C. before the learned Judicial Magistrate Court-2, Cheyyar, Thiruvannamalai District in M.C.No.7 of 2009 to direct the Revision Petitioner to pay a sum of Rs.2,000/- per month towards maintenance to the minor respondent.

2. The learned Judicial Magistrate passed an exparte order dated 12.05.2014 in MC.7 of 2009 directing the Revision Petitioner to pay a sum of Rs.2.000/- per month to the minor respondent towards maintenance from the date of petition.

3. Challenging the exparte order passed by the learned Judicial Magistrate, the revision petitioner/husband has filed a

petition before the learned Magistrate in C.M.P.No. 1030 of 2016 under Section 126(2) of Cr.P.C. to set aside the exparte order dated 12.05.2014 in M.C.No.7 of 2009. After hearing the arguments and after giving adequate opportunity to the parties, the learned Magistrate dismissed the petition, stating that the court is not inclined to allow the petition filed nearly two years after passing of the exparte order. Challenging the said dismissal order passed in C.M.P.No.1030 of 2016 dated 08.03.2016, the petitioner has filed the present revision petition.

4. Today, none appeared on behalf of the petitioner. It is pertinent to point out that during enquiry the petitioner remained exparte and due to that, an exparte order came to be passed. This revision petition is pending from the year 2016.

5. This Court is of the opinion that the petitioner is not interested in proceeding further with this case. Since the matter is pertaining to maintenance of the minor, perty of the child is not in dispute. The proceedings under Section 125 is summary in nature. The award of maintenance amount is also not high and the same is very reasonable. This Court does not find any perversity in the order passed by the learned Judicial Magistrate II, Cheyyar.

6. The revision petitioner is directed to pay the monthly maintenance of Rs.2,000/- per month to the minor respondent as awarded by the learned Judicial Magistrate II, Cheyyar failing which, the minor respondent can work out her remedy before the concerned Court in the manner know to law.

7. Accordingly, the above revision petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Judicial Magistrate Court No.2,
Cheyyar, Thiruvannamalai District.

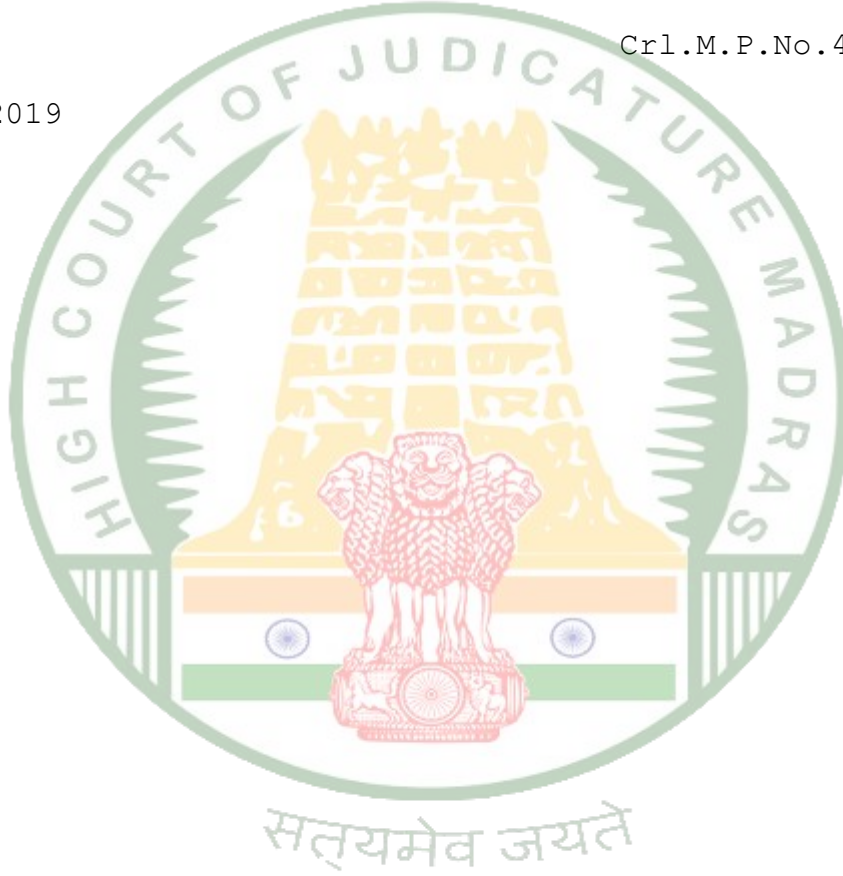
2. The Chief Judicial Magistrate,
Thiruvannamalai District.

Copy To
The Section Officer,
Criminal Section,
High Court, Madras-104.

+1cc to Mr.K.G.Senthilkumar, Advocate, S.R.No.41374

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and
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SPD(CO)
CS/01/07/2019



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