

Crl.M.P.No.9901 of 2018 in
Crl.R.C.No.SR35935 of 2018

P.VELMURUGAN, J.,

This miscellaneous petition has been filed seeking to condone the delay of 115 days in filing the above criminal revision case.

2 The petitioner is mother-in-law, 1st respondent is wife of son of the petitioner and respondents 2 & 3 are minor children. The respondents have filed a miscellaneous petition in Crl.M.P.No.1538 of 2011 before the learned Judicial Magistrate No.III, Erode, seeking accommodation and alimony and the same was allowed by order dated 06.01.2014, against which, the petitioner has filed an appeal before the learned I Additional District and Sessions Judge, Erode, in Criminal Appeal No.13 of 2014, the learned Sessions Judge, by judgment dated 17.11.2017 dismissed the appeal and confirmed the order of the learned Magistrate. The petitioner, being aggrieved against the judgment dated 17.11.2017, has come forward with the present revision with the delay of 115 days and seeks to condone the same.

3 When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner is ready to pay a sum of Rs.15,000/- towards payment for alternative accommodation, since it is difficult to accommodate the respondents in the share hold house, which lead to further dispute . It is seen that the learned Magistrate has directed the petitioner to allot one of the

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houses owned by her for the respondents for residence. However, it is submitted on behalf of the petitioner, if the respondents are accommodated in the undivided property, it would cause complication and lead to further dispute.

4 Considering the above submissions and facts, this Court is inclined to allow this miscellaneous petition imposing conditions. Accordingly, the delay of 115 days in filing the revision is hereby condoned on condition that the petitioner shall pay a sum of Rs.15,000/- to the respondents towards payment for rental house every month on or before 5th till the disposal of the present revision case. The petitioner is also directed to pay arrears calculating Rs.15,000/- p.m. from the date of filing of the miscellaneous petition in Crl.M.P.No.1538 of 2011 on or before **16.04.2019** and file a cost paid memo before this Court. On filing of such memo by the petitioner, Registry is directed to number the revision case, if it is otherwise in order.

20.03.2019

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