

Crl.MP.No.10323 of 2019 in
Crl.RC.SR.No.36055 of 2019

A.D.JAGADISH CHANDIRA, J.,

The criminal miscellaneous petition has been filed, seeking to condone the delay of 164 days in filing the above criminal revision against the Order, dated 23.10.2018, passed in F.C.M.C.No.26/2017, by the Family Court, Vellore.

2 Heard the submissions made by the learned counsel on both sides.

3 The learned counsel for the petitioner would submit that the petitioner is a senior citizen and he is aged about 69 years and that due to his old age and ill health, he was unable to file the criminal revision within the prescribed time frame and thereby, would seek for condonation of delay.

4 The learned counsel for the respondent vehemently opposed, stating that he has wilfully delayed the filing of the above revision and as on date, an amount of Rs.3,30,000/- remains to be paid as arrears of maintenance. At this juncture, the learned counsel for the petitioner would submit that the petitioner without prejudice to his contentions he is prepared to deposit 30% of the arrears amount, which would be equal to Rs.1,10,000/- before the Trial Court.

5 Having been satisfied with the reasons stated in the affidavit filed in support of this petition and also being satisfied with the offer made by the petitioner to deposit a sum of Rs.1,10,000/- to the credit of F.C.M.C.No.26/2017, before the Family Court, Vellore District, this petition is **ordered** and the delay of 164 days in filing the above criminal revision against the Order, dated 23.10.2018, passed in F.C.M.C.No.26/2017, by the Family Court, Vellore, is hereby **condoned on condition that the petitioner shall**

A.D.JAGADISH CHANDIRA, J.,

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deposit an amount of Rs.1,10,000/- [Rupees One Lakh Ten Thousand Only] to the credit of F.C.M.C.No.26/2017, before the Family Court, Vellore District, within a period of two weeks from the date of receipt of a copy of this Order. On such deposit being made, the respondent/wife is entitled to withdraw the same.

6 The Registry is directed to number the above Criminal Revision, if the papers are otherwise in order and list the matter for admission and "reporting compliance" on 20.11.2019.

04.11.2019

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Note: Issue Order Copy on 05.11.2019.



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