



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2019

WEB COPY

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.6 of 2019

N.V.Sathiyendran

... Petitioner

Vs.

S.Pavithra

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records Cr.M.P.No.45 of 2018 in M.C.No.36 of 2014 on the file of the Family Court, Dindigul dated 11.09.2018 and set aside the same.

For Petitioner

: Mr.P.Murugesan

For Respondent

: Mr.S.Saravagan Prabhu

O R D E R

This Civil Revision Case has been fled to set aside the order in Cr.M.P.No.45 of 2018 in M.C.No.36 of 2014 on the file of the Family Court, Dindigul dated 11.09.2018.

2.The petitioner is the husband and the respondent is the wife in this Criminal Revision Petition. The respondent / wife filed M.C.No.72 of 2013 before the learned Chief Judicial Magistrate, Dindigul. But the case was transferred to the Family Court, Dindigul and it was renumbered as M.C.No.36 of 2014, in which the petitioner / husband did not appear and hence, exparte order was passed on 21.12.2017 wherein, this petitioner / husband was directed to pay a sum of Rs.5,000/- every month as maintenance to the respondent / wife. Then this petitioner/ husband filed a petition in I.A.No.45 of 2018 to set-aside the exparte order. But, the same was dismissed as no merits. As against which, this petitioner / husband filed this Criminal Revision Petition.

3.In this revision, the petitioner filed Crl.M.P(MD)No.421 of 2019, to stay further proceedings in M.C.No.36 of 2014. The stay order granted by this Court on condition that the petitioner was directed to deposit Rs.1,00,000/- (Rupees One Lakh only) to the credit of M.C.No.66 of 2014 on or before 26.04.2019. But,

this petitioner / husband has not comply the condition passed by this Court.

4.The Family Court, Dindigul passed the exparte order in M.C.No.36 of 2014. But the petitioner filed a petition to set-aside the exparte order. But the trial Court without assigning any reasons dismissed the above petition. It is the duty of the Court to give reasonable opportunity to this petitioner/husband to object his case in M.C.No.36 of 2014. Hence, this Court is inclined to set-aside the order passed in I.A.No.45 of 2018. Hence, the exparte order passed against this petitioner/husband is set-aside.

5.Accordingly, this Criminal Revision Petition is allowed on condition that the revision petitioner is directed to deposit a sum of Rs.1,50,000/- to the credit of M.C.No.36 of 2014 before the trial Court **on or before 03.06.2019** and the trial Court is directed to dispose of the main case within a period of three months from the date of receipt of a copy of this order, after giving reasonable opportunity to all the parties.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

ToTo

The Family Court, Dindigul.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-63259[F] dated 27/04/2019)

+1 CC to M/s.N.SHANMUGA SELVAM, Advocate (SR-63273[F] dated 27/04/2019)

VSD

Cr1.RC(MD)No.6 of 2019
26.04.2019

_KM/(10.05.2019) 2P 4C