



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Appellate Jurisdiction)

Wednesday, the Twenty Seventh day of January Two Thousand and Twenty One

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRL RC(MD) No.454 of 2017

S.Venkatesh

...Petitioner/Petitioner/ Respondent

Vs

1 Lakshmipriya

2 Minor Sudarshana

(Rep. By Mother and Natural Guardian

Mrs.Lakshmipriya)

... Respondent/Respondent/Petitioner

Prayer :-

Criminal Revision Cases is filed under section 397 r/w 401 Criminal Procedure Code to set aside the order made in Crl M.P. No.922 of 2017 in M.C. No.1 of 2017 dated 25/05/2017 on the file of the Chief Judicial Magistrate, Karur.

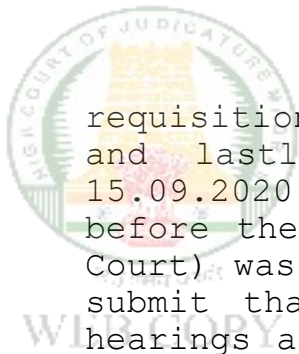
ORDER:

Criminal Revision Cases is coming on for hearing on this day, upon perusing the earlier order of this Court and the requisition letter submitted by the Additional Sessions Judge, Additional Sessions Court (FTMC), Karur and the Judge, Family Court (Fac), Karur vide the letter in D.No.570 of 2020 dated 02.09.2020 and upon hearing the arguments of Mr.T.R.Subramanian, Advocate for the Petitioner and of Mr.I.Vel Pradeep, Advocate for the 1st Respondent, this court made the following order:

Heard the learned counsel on either side.

2.The learned Judge, Family Court, Karur has submitted a requisition, seeking further extension of three months' time to dispose the case in M.C.No.4 of 2018, and whereunder, she has stated that the case was pending for the petitioner/ respondent's side evidence from 08.10.2020, that the petitioner/respondent was not personally appearing on the ground of his increased susceptibility to Covid-19 due to diabetics and his father's actual infection of Covid-19, that further witnesses are not produced and the Court is unable to pass any adverse order due to Covid-19 and that therefore, the case could not be disposed of in the given time.

3.It is evident from the records that this Court has directed the Chief Judicial Magistrate, Karur, to dispose of the case in M.C.No.1 of 2017 within a period of three months, vide order dated 04.07.2019 and after transfer to the Family Court, on the



requisitions submitted by the Family Court, time was extended thrice and lastly three months time was granted vide order dated 15.09.2020. When the non appearance of the petitioner/respondent before the trial Court (as evident from the report of the Family Court) was questioned, the learned counsel for the petitioner would submit that the petitioner will definitely appear in the future hearings and take part in the proceedings and that if three months time is granted as sought for by the trial Court, they will extend their cooperation for disposing the case within the time granted.

4.The learned counsel for the respondents has also endorsed the same. But the learned counsel petitioner would represent that two more matrimonial proceedings are pending before the Family Court, Karur, one for divorce and the other for restitution of conjugal rights and that necessary directions may be given to the trial Court to try all the three cases simultaneously.

5.The present revision has been filed, challenging the order passed in Cr.M.P.No.922 of 2017 in M.C.No.1 of 2017, dated 25.05.2017 awarding the cost of Rs.5,000/- and that since the learned counsel for the respondents has stated no objections to allow the revision, but sought a direction for the early disposal of the case, this Court has passed an order dated 04.07.2019, allowing the criminal revision and directed the learned Chief Judicial Magistrate, Karur, to dispose of the maintenance case in M.C.No.1 of 2017 within a period of three months from the date of receipt of copy of that order.

6.Considering the reasons stated by the trial Court and the contentions of both counsel on record, three months further time is granted and the parties are hereby directed to extend their fullest cooperation for disposing the said case within the time granted.

7.It is not in dispute that after the constitution of the Family Court, the said case in M.C.No.1 of 2017 was transferred to the file of Family Court and the same was taken on file in M.C.No.4 of 2018. Since the petition for divorce as well as for the restitution of conjugal rights are pending before the Family Court, both parties are at liberty to approach the trial Court for simultaneous trial of the above two cases along with maintenance case in M.C.No.4 of 2018. If such a prayer is made, the learned trial Judge, is directed to consider the rival contentions and also taking note of the pendency of the cases before that Court and to act accordingly.

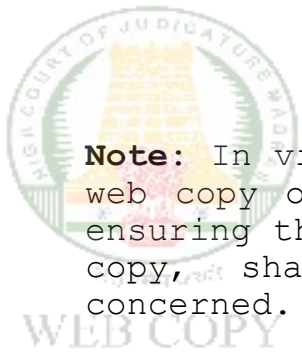
Sd/-

Assistant Registrar()

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Sub Assistant Registrar



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1 The Judge,
Family Court, Karur.
- 2 The Chief Judicial Magistrate,
Karur.

Copy to:

- 1 The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.
- 2 The Section Officer,
Criminal section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL RC (MD) No.454 of 2017
27.01.2021

DAS
SRS/09.02.2021/3P/6C