

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

Cr1.R.C.No.797 of 2018
and
Cr1.M.P.No.9029 of 2018

K.S.Saravanan

... Petitioner

Vs.

1.Minor J.S.Abidev

2.Minor J.S.Joshini

Minors are rep.by their next friend

and guardian / mother Jamunarani

... Respondents

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the order passed in C.M.P.No.1 of 2018 in M.C.No.20 of 2017 dated 06.04.2018 on the file of the Family Court, Salem, and restore the CMP No.1 of 2018.

For Petitioner : Mr.A.N.Rajan

O R D E R

The respondents herein are the sons of the petitioner herein. The respondents herein filed a maintenance case in M.C.No.20 of 2017 before the Family Court at Salem, against the petitioner herein and an ex-parte order was passed on 29.12.2017, against which the petitioner filed a petition in C.M.P.No.1 of 2018 before the Court below to set aside the ex-parte order. Since the same has been dismissed, the petitioner has come up with this Criminal Revision Case.

2.The learned counsel for the petitioner has submitted that the petitioner is regularly appearing before the Family Court, Salem and since his counsel was out of station, he was unable to file counter on 29.12.2017. On that day, both the husband and wife were present, but the learned Judge has passed the ex-parte order.

3.Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner, the impugned order dated 06.04.2018 passed in C.M.P.No.1 of 2018 in M.C.No.20 of 2017 is set aside and the Family Court, Salem is directed to dispose of the case in M.C.No.20 of 2017 on merits and in accordance with law, after affording opportunity to both the parties, within a period of four months from the date of receipt of a copy of this order.

4.The Criminal Revision Case is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

KM
To

1. The Judge,
Family Court, Salem.
2. The Public Prosecutor,
Madras High Court, Madras

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PM(CO)
SP(19/05/2020)