

Crl.M.P.No.3539 of 2020
In
Crl.R.C.No.669 of 2015

M.DHANDAPANI,J.

This petition has been filed seeking to condone the delay of 1239 days in restoration of Crl.R.C.No.669 of 2015 which was dismissed for non prosecution on 10.08.2018 by this Court.

2.The case of the petitioner is that respondent/ wife filed FCMC No.2 of 2014 before the Family Court, Dharmapuri seeking a sum of Rs.2,000/- per month as maintenance and after adjudication, on 20.03.2015, the trial Court awarded a sum of Rs.2,000/- per month towards maintenance in favour of the respondent and also directed the petitioner to pay a further sum of Rs.10,000/- as yearly maintenance to the respondent and also directed to pay cost of Rs.5,000/- to the respondent. Aggrieved by the said order, the petitioner filed Crl.R.C.No.669 of 2015 before this Court. The said revision was dismissed for non prosecution on 10.08.2016. Hence, this petition.

3.The learned counsel appearing for the petitioner submitted that since the erstwhile counsel did not appear before the Court and

prosecute the case, the revision was dismissed for non prosecution and further submitted that the facts came to the knowledge of the petitioner only during January, 2020 and immediately the petitioner filed this petition. The learned counsel further submitted that there are very good grounds raised in the revision. Accordingly, he prayed for allowing this petition.

4.This Court perused the affidavit filed in support of this petition. It is only stated that the facts came to the knowledge of the petitioner only during January, 2020 and immediately the petitioner filed this petition. Except this there is no justifiable reason averred for condonation of delay.

5.Even a bare perusal of the order dated 20.03.2015 passed in FCMC No.2 of 2014 by the Family Court, Dharmapuri, reveals that the marriage between the petitioner and the respondent was performed in the year 1967 and out of the wedlock, they were blessed with two female children and four male children and out of them two daughters and two sons were married and the petitioner has retired from judicial department and is receiving pension. It is alleged that the petitioner

did not maintain the respondent properly. The issue was elaborately discussed by the trial Court and maintenance was awarded to the respondent, which warrants no interference.

6.In view of all the above, this miscellaneous petition is dismissed.

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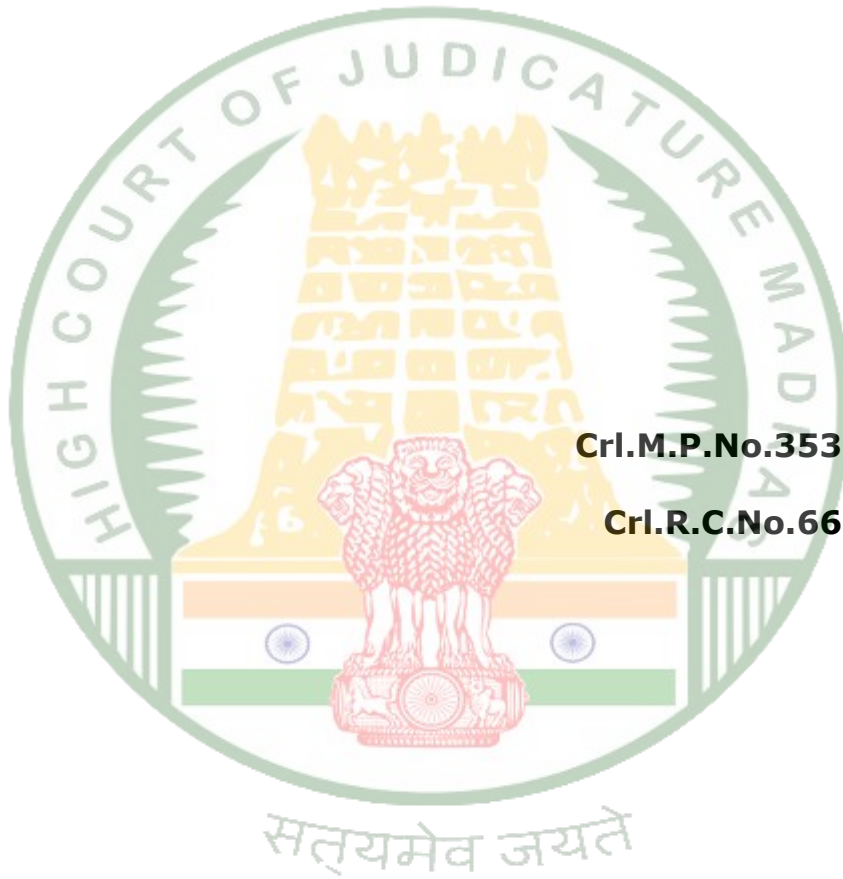
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