



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case No.508 of 2021

I.Sadiq Batcha

.. Petitioner/Respondent

Vs.

S.Jamurth Nisha

...Respondent/Petitioner

Prayer : Criminal Revision filed und`er Section 397 read with 401 of Criminal Procedure Code, prays that this Hon'ble Court may be pleased to set aside the Condition to Petitioner to pay Rs.25,000/- as costs and expenses in allowing Set aside Petition, in its Order dated 26.04.2021 made in M.P. No.278 of 2021 in M.C.No. 268 of 2018 on the file of Learned V Additional Judge, Family Court, Chennai, allow Crl. R.C.

For Petitioner : Mr.R.U.Dinesh Raj kumar
for Mr.S.Ramesh

ORDER

(The case has been heard through video conference)

This Criminal Revision has been filed to set aside the condition passed by the V Additional Family Court, Chennai, by order dated 26.04.2021, directing the petitioner/husband to pay a sum of Rs.25,000/- as costs and expenses while allowing the petition in M.P. No.278 of 2021 filed seeking to set aside the exparte order dated 26.03.2021 in M.C.No.268 of 2018.

2. The petitioner is the husband and respondent is his wife. The respondent/wife had filed a maintenance petition in M.C.No.268 of 2018 before the V Additional Family Court, Chennai and the learned Judge passed an ex-parte order on 26.03.2021. Therefore, the petitioner /husband filed a petition in MP.No.278 of 2021 to set aside the ex-parte order. The said petition was heard by the Family Court and the same was ordered



with cost of Rs.25,000/-. Challenging the said condition, the petitioner is present before the Court.

3. The respondent is the wife and the maintenance petition has been filed by the respondent in the year 2018. The scope of maintenance case is a summary procedure. Only when the wife is unable to maintain herself, she approached the Court to get maintenance whereas, the petition was pending for more than two years and after two years, since, the petitioner/husband was not co-operating, the exparte order was passed. Thereafter, on the petition filed by the petitioner/husband, the exparte order has been set aside on payment of cost of Rs.25000/-.

4. The case is regarding maintenance and it was pending for two years. Even after 2 years, the Family Court could not dispose the matter and give relief to the respondent/wife who is unable to maintain herself. In such circumstances, this Court does not find any merit in this case and there is no perversity in the order passed by the Family Court. Therefore this Court is not inclined to entertain the petition and the revision petition is liable to be dismissed.

5. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dsn/ksa-2

To

The V Additional Judge,
Family Court, Chennai.

Criminal Revision Case No.508 of 2021

GJ(CO)
SU(17/09/2021)