



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.615 of 2021

Mohamed Irfan @ P.Vijaya Kumar ...Petitioner/Respondent

Vs.

1. Sameena

2. Minor Mohamed Aasif

S/o.Mohamed Irfan @ Vijayakumar

Rep. by her mother and natural guardian of the 1st Respondent

...Respondents/Petitioner

Criminal Revision Case filed under Section 397(1) Cr.P.C. praying to set aside the order dated 24.09.2019 in M.P.No.179 of 2019 in M.C.No.44 of 2017 on the file of the learned V Additional Family Court, Chennai. .

For Petitioner : Mr.R.Ravindra Ram

O R D E R

The Criminal Revision Case has been filed against the order dated 24.09.2019 in M.P.No.179 of 2019 in M.C.No.44 of 2017 on the file of the learned V Additional Family Court, Chennai.

2. The petitioner is husband. The 1st respondent is wife the second respondent the son. The first and second respondents filed the case in M.C.No.44 of 2017 before the V Additional Family Court, Chennai, for maintenance. The said petition was pending for 2 years from the year 2019 and when the matter was taken for hearing, the petitioner did not co-operate for the disposal of the case. Therefore, the Family Court passed ex-parte order against the petitioner by order dated 07.01.2019 and imposed cost of Rs.10,000/- for the expenses. Challenging the said order, now the petitioner has filed present revision before this Court with delay of 44 days.

3. Learned counsel for the petitioner would submit that due to Corona pandemic, the petitioner could not participate in the proceedings and the Family Court by order dated 24.09.2019, imposed condition directing the petitioner to pay Rs.10,000/-



within 24 hours towards costs and expenses to the 1st respondent. After arranging the money, he approached the 1st respondent however, she did not receive the money. Therefore, the petitioner has not approached the Court even to deposit the said cost. Hence, he would pray that the petitioner is ready to pay that cost and one more opportunity may be given to the petitioner to participate in the proceedings.

4. Since the petitioner could not pay the amount of Rs.10,000/- towards cost and expenses to the 1st respondent as directed by the Family Court, the petitioner is directed to deposit the said sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Family Court in M.C.No.44 of 2017 and on receipt of the said sum of Rs.10,000/- towards cost, the V Additional Family Court, Chennai, is directed to fix an early date for hearing of the case in M.C.No.44 of 2017 and dispose the same within one month i.e. on or before 29.10.2021. The petitioner is directed to co-operate in the proceedings before the Family Court and if the petitioner fails to co-operate for earlier disposal, the Family Court shall dispose the maintenance case in accordance with law.

5. With the above observations, this Criminal Revision case is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To
The Judge,
The V Additional Family Court,
Chennai.

Criminal Revision Case No.615 of 2021

VBA[co]
NSK 05/10/2021