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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.M.P.No. 9783 of 2021
in
Crl.RC.SR.No.29321 of 2021

M.Arul ...Petitioner/Appellant in both Crl.M.P.
and Crl.RC.
Vs.

1.Sudha
2.A.Navin
3.A.Jawahar ... Respondents/Respondents
in both Crl.M.P. and Crl.RC.

Prayer in Crl.M.P.9783 of 2021: This Criminal Miscellaneous petition is filed under Section 5 of the Limitation Act, praying to;

a) Condone the delay of 230 days in preferring the above Appeal to set aside the Order dated 30.04.2019 in M.C.No.457 of 2013.

Prayer in Crl.RC.SR.No. 29321 of 2021: The Criminal Revision Petition is sought to be filed under Sections 397 and 401 of Code of Criminal Procedure praying to call for the records relating to order dated 30.04.2019 passed by the Learned II Additional Family Court Judge, Chennai in M.C.No. 457 of 2013 dated 30.04.2019 and set aside the same.

For Petitioner : Ms.N.Alamelumangai for
Mr.S.G.Ramesh Cumar

ORDER

The Revision is arising out of maintenance case. The wife and the children of the petitioner/husband had filed the maintenance case in M.C.No.457 of 2013 in which, the Court has passed an order of maintenance. The petitioner/husband challenging the said order of maintenance has filed the above Revision petition before this Court and the present miscellaneous petition has been filed to condone the delay of 230 days in filing the revision.



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2. At the time of deciding the petition under Section filed under Section 5 of the Limitation Act, the Court should not discuss anything about the merit of the case and the Court has to see only the reasons stated in the accompanying affidavit to condone of the delay.

3. Accordingly, on a perusal of the affidavit, this Court does not satisfy with the reasons stated in the accompanying affidavit. Therefore, this Court is not inclined to condone the delay.

4. Therefore, this Criminal Miscellaneous Petition is dismissed. Consequently, the Criminal Revision Case is rejected at the S.R. Stage.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Ksa-2/Dsn

To

The II Additional Family Court Judge,
Chennai

CrI.M.P.No. 9783 of 2021
in
CrI.RC.SR.No. 29321 of 2021

BS (CO)
CB(27/10/2021)