



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

WEB COPY

CrI.R.C(MD)No.611 of 2020
and
CrI.MP(MD)No.5507 of 2020

Sekar : Petitioner/Petitioner/
Respondent

Vs.

1.Sanmugavalli
2.Saathikshasri : Respondents/Respondents/
Complainants

Prayer: Criminal Revision has been filed under section 397 r/w 401 of Criminal Procedure Code, against the order, dated 14.11.2019 passed by the Family Court, Karur, in Cr.M.P No.3 of 2019 in MC No.42 of 2018 and permit the petitioner to contest the main case in MC No.42 of 2018 on the file of the Family Court, Karur.

For Petitioner : Mr.V.Sukumar
For Respondents : M/s.S.Prabha
(Legal Aid Counsel)

O R D E R

This Criminal Revision is directed against the order, dated 14.11.2019 passed by the Family Court, Karur in Cr.M.P No.3 of 2019 in MC No.42 of 2018 and permit the petitioner to contest the main case in MC No.42 of 2018 on the file of the Family Court, Karur.

2.It is seen from the records that the marriage between the petitioner and the 1st respondent was solemnised on 30.03.2015, Out of the wedlock, they begotten a female child viz., the 2nd respondent herein. Due to matrimonial tiff, the respondents filed MC No.42 of 2018 on the Family Court, Karur, seeking maintenance against the petitioner. On 12.04.2019, due to non appearance of the petitioner and for not filing the counter, the petitioner was set aside ex-parte. The petitioner filed Cr.M.P No.3 of 2019 in MC No.42 of 2018 seeking to set aside the ex-parte order. The said petition was allowed on 18.10.2019 on payment of cost of Rs.500/- to the respondents. In view of non-compliance of the order, the petitioner was set ex-parte in MC No.42 of 2018. Now, the petitioner has come forward with this criminal revision seeking the relief as stated supra.

3.Heard both sides and perused the materials available on
<https://hcservices.ecourts.gov.in/hcservices/record>.



4.It is the main contention of the petitioner that he was suffering from chicken box at the relevant point of time, hence, he could not comply with the conditional order passed by the trial court.

5.It is seen from the medical certificate issued by the medical practitioner, the petitioner has suffered with chicken box between the period 12.11.2019 and 27.11.2019. It is a case of maintenance. Hence, it is necessary to give reasonable to the petitioner to contest the case.

6.In view of that, this Criminal Revision is allowed on condition that the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of MC No.42 of 2018 on the file of the Family Court, Karur, within a period of 4 weeks from the date of receipt of a copy of this order. On such compliance, the Family Court, Karur, is directed to take up the case MC No.42 of 2018 and dispose of the same purely on merits and in accordance with law, after giving reasonable opportunity to the parties concerned, as expeditiously as possible. Consequently, connected Crl.MP is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

er

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,
The Judge
Family Court,Karur.

Copy to

The Section Officer, (2C)
Criminal Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.PRABHA, Advocate (SR-17610[F] dated 27/04/2021)

Crl.R.C(MD)No.611 of 2020
27.04.2021