



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3175 of 2020
in Crl.RC(MD)SR No.10845 of 2020

1 ANANTHI
2 MINOR. SIVASHALINI
(2nd Petitioner represented through
Her Mother 1st Petitioner) ... PETITIONERS/
REVISION PETITIONERS/ PETITIONERS
Vs

R.MANIKANDAN ... RESPONDENT/ RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to condone the delay of 184 days in filing the main criminal revision petition against the order dated 31/07/2019 in M.C.No.39 of 2015 on the file of the learned Family Court, Madurai.

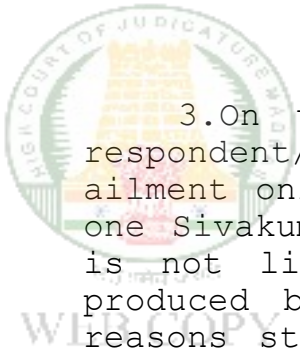
Prayer in Crl.RC(MD)SR No.10845 of 2020:

To call for the records in M.C.No.39 of 2015 on the file of the Learned Family Judge, Madurai and modify the order dated 31.07.2019 by enhancing the maintenance award as prayed in the maintenance case in M.C.No.39 of 2015.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.LAJAPATHI ROY, Advocate for the petitioners and of Mr.V.PALANI, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to condone the delay of 184 days in filing the criminal revision against the order, dated 31.07.2019, in MC No.39 of 2015 on the file of the Family Court, Madurai.

2.The learned counsel appearing for the petitioners submitted that due to nerve ailment in the brain after the assault of her husband, the 1st petitioner is taking regular treatment in the hospital and hence, it is not possible for her to file this criminal revision within time and prays that the delay in filing this criminal revision may be condoned.



3.On the other hand, the learned counsel appearing for the respondent/husband submitted that the 1st petitioner sustained nerve ailment only due to the abortion made by her and now, she married one Sivakumar and lived with him and hence, the respondent/husband is not liable to pay maintenance and further, no records were produced by the petitioners to prove the nerve ailment and the reasons stated by the petitioners for condoning the delay is not proper and prays that the petition for condonation of delay may be dismissed.

4.The 1st petitioner/wife stated that due to nerve ailment, it is not possible for her to file this criminal revision within time. But it was opposed on the side of the respondent/husband. But on perusal of the counter, it is stated in para 3 as follows:-

"It is submitted that at the time of enquiry in the HMOP.777/2014 case Thiru.K.Mohanakumar the keeper of Chandra the mother of Ananthi has deposed on 02.11.2018 at P12 as below:-

"மேற்படி ஆனந்தி மூளைக்கு நரம்பு பாதிப்பு ஏற்பட்டதற்கு காரணம் அவர் எங்களுக்கு தெரியாமல் மாத்திரை சாப்பிட்டு கரு கலைப்பு செய்ததினால்தான்."

5.On perusal of the counter, it reveals that the 1st petitioner/wife had nerve ailment. Whether it was due to the harassment by her husband or by way of other means and whether the 1st petitioner married another person or not, that has to be decided only at the time of argument in the main case. In this petition, it is to be decided whether sufficient reasons were stated for filing the delay condonation petition or not.

6.On careful perusal of records, it reveals that the 1st petitioner had nerve ailment. Further, the respondent stated that the 1st petitioner secondly married one Sivakumar. To prove it, some photographs were filed and the said facts cannot be decided at this stage. Perusal of the affidavit filed in support of this petition, the reasons stated for condoning the delay are sufficient.

7.Hence, in the interest of justice, this Criminal Miscellaneous Petition is allowed on payment of cost of Rs.1,000/- (Rupees One Thousand only) to the **Chief Justice Relief Fund** on or before 14.09.2021, failing which, this petition shall stand dismissed automatically without reference to this court.

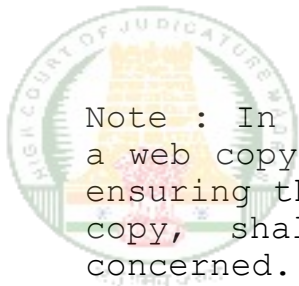
Call on 15.09.2021.

sd/-
08/09/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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.

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TO
THE JUDGE,
FAMILY COURT,
MADURAI.

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**

ORDER

IN

CRL MP(MD) No.3175 of 2020

IN

Crl.RC(MD)SR No.10845 of 2020

Date :08/09/2021

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MS/VR/SAR-3/08.09.2021/3P.2C