



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.583 of 2021

and

Crl.M.P.(MD)No.6409 of 2021

Nagaraj .. Petitioner

Vs.

Karthiga .. Respondent

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the impugned order dated 25.01.2021 in M.C.No.34 of 2020 on the file of the Family Court, Theni and to set aside the same.

For Petitioner	: Mr.A.Mohan
For Respondent	: Mr.G.D.Manikandan

ORDER

This Criminal Revision has been filed to set aside the impugned order, dated 25.01.2021, in M.C.No.34 of 2020 on the file of the Family Court, Theni.

2. The respondent herein - wife has filed a petition in M.C.No.34 of 2020, on the file of the Family Court, Theni, under Section 125 of Cr.P.C. and an exparte order was passed by the Family Court, on 25.01.2021 and the revision petitioner-husband was directed to pay Rs.10,000/- as monthly maintenance to the respondent-wife. Against that order, the revision petitioner has filed this revision.

3. On the side of the revision petitioner, it is stated that the impugned order is an exparte order. Due to the wrong mentioning of the hearing date, the revision petitioner was not able to cross examine P.W.1. For the non-cross examination of P.W.1, the petitioner was set exparte. No opportunity was given to the revision petitioner to prove his case. No document was filed by the respondent to prove the income of the revision petitioner and prayed the impugned order to be set aside and the matter to be remanded back to the trial Court for fresh disposal.

4. The respondent has no serious objection.



5. An opportunity for the revision petitioner to put forth his case has to be given in the interest of justice. In view of the submissions made by the both side counsel, this Court is inclined to set aside the impugned order and the matter is remanded back to the trial Court for fresh disposal in accordance with law.

6. Hence, the impugned order, dated 25.01.2021, in M.C.No.34 of 2020 on the file of the Family Court, Theni, is hereby set aside. The Family Court, Theni, is directed to dispose of the case within a period of four weeks from the date of receipt of copy of this order. Registry is directed to send a copy of this order to the the Trial Court.

7. With the above direction, this Criminal Revision Case is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ls

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

1.The Judge,
The Family Court, Theni.

2.The Section Officer,
Criminal Section, (Records)
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+1 CC to M/s.G.D.MANIKANDAN, Advocate (SR-39753[F] dated 21/12/2021)

+1 CC to M/s.A.MOHAN, Advocate (SR-40328[F] dated 23/12/2021)

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GC(11.01.2022) 2P 6C

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