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Crl.M.P.No.912 of 2022
in
Crl.R.C.SR.No.1411 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.912 of 2022
in Crl.R.C.SR.No.1411 of 2022

M.Suresh,
S/o.Mariyappan

... Petitioner

Versus

1.Anuradha
2.Minor VEDIYAPPAN @ Dinesh Babu,
Rep by his guardian his mother namely
Mrs.Anuradha

... Respondents

Criminal Miscellaneous Petition filed under Section 397 and 401 Cr.P.C,
to condone the 3531 delay of days in filing the above revision against the
judgment made in M.C.No.7 of 2008 dated 16.04.2010 on the file of DM cum
the Judicial Magistrate, Uthangarai.

For Petitioner : Mr.M.P.Saravanan
For Respondents : No appearance

ORDER

This petition is filed to condone the delay of 3531 days in filing the
revision against the judgment made in M.C.No.7 of 2008 dated 16.04.2010 on
the file of DM cum the Judicial Magistrate, Uthangarai.



Crl.M.P.No.912 of 2022
in
Crl.R.C.SR.No.1411 of 2022

WEB COPY

2.The reasons mentioned in the affidavit for condonation of such a huge delay is that, after passing of the order of maintenance, the respondent/wife and the petitioner/husband were living together for the past ten years and suddenly, in the year 2020, she again left the matrimonial home and thereafter, claims the entire arrears. That may be so, but that cannot give rise to a cause of action for the petitioner to belatedly challenge the maintenance order dated 16.04.2010, which is rightly passed at that point of time. The maintenance is as per Section 125 of Cr.P.C., for any wife, who is living separately with justifiable reasons and who is not been taken care of by the husband. If the case of the petitioner is that after the order of the maintenance, they lived together, then when he is taking care of the respondent/wife, it would be open for him to take such defence by filing counter affidavit in Crl.M.P.No.841 of 2021 to claim that for the period they lived together, the wife was not entitled to arrears of maintenance and the same shall be considered by the Trial Court in accordance with law.

3.But, however at this belated point of time, this Court cannot once against entertain the revision as against the original order of maintenance dated 16.04.2010. Accordingly, the Criminal Miscellaneous Petition is dismissed with the liberty as observed above. Consequently, the Criminal Revision Case is



Crl.M.P.No.912 of 2022
in
Crl.R.C.SR.No.1411 of 2022

rejected at the S.R. stage itself.

WEB COPY

06.07.2022

Index : yes/no

Speaking/Non-speaking order

sp

To

The DM cum the Judicial Magistrate, Uthangarai.



WEB COPY



Crl.M.P.No.912 of 2022
in
Crl.R.C.SR.No.1411 of 2022

D.BHARATHA CHAKRAVARTHY, J.,

sp

Crl.M.P.No.912 of 2022
in
Crl.R.C.SR.No.1411 of 2022

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