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*Crl.M.P.No.4914 of 2022
in Crl.R.C.SR.No.15263 of 2022*

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D.BHARATHA CHAKRAVARTHY, J.

This petition has been filed to condone the delay of 135 days in preferring the above Revision Case challenging the impugned interim maintenance order, dated 21.08.2019 passed in M.P.No.638 of 2019 in M.C.No.364 of 2016 now pending on the file of the 4th Additional Family Court, Chennai.

2. The learned Counsel appearing on behalf of the respondents would submit that the reasons mentioned in the affidavit filed in support of the application is that petitioner was erroneously prosecuting a revision petition. He would submit that this cannot be treated as satisfactory reason, which is ignorance of law. For that proposition, he relied on the judgment of the Hon'ble Supreme Court in the case of ***Board of Directors, H.P.T.C and Ors Vs. K.C.Rahi¹***.

3. I have considered the submission of the learned Counsel for the respondents, I am of the view that considering the delay is of 135 days and

¹ MANU/SC/1138/2008



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further, the reason mentioned is that he was prosecuting a erroneous remedy and realizing the same, he has withdrawn the same and filing appropriate remedy before this Court, it is an acceptable reason and cannot be dismissed as ignorance of law. A reading of the facts of the judgment cited by the learned Counsel, it would be clear that it is a case, which has different facts and circumstances and hence, not applicable to the present situation.

4. Therefore, the delay of 135 days in filing the Revision Case in Crl.R.C.SR.No.15263 of 2022 is condoned.

5. Registry is directed to number the Crl.R.C.SR.No.15263 of 2022, if it is otherwise in order and also directed to print the name of Mr.Rahul K.Jain as learned Counsel for the respondents at the time of admission itself.

04.07.2022

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