



Crl.R.C.No.788 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.788 of 2021 &
Crl.M.P.No.1853 of 2022

K.Sureshkumar

...

Petitioner

Vs.

1.Mrs.Pusbalatha
2.Minor Smithin Karthikeyan
(Rep. by mother 1st respondent),
S/o.Sureshkumar,
Both the respondents residing at
No.588, Ammasi Nagar,
Thiruvagoundanur Bye Pass,
Sooramangalam, Salem.

...

Respondent

This Criminal Revision case has been filed under Sections 397 r/w 401 of Code of Criminal Procedure to set aside the order passed in M.C.No.70 of 2016, on the file of the learned Family Judge, Salem, dated 13.11.2018.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.R.Jayaprakash



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ORDER

This Revision is directed against the exparte order dated 13.11.2018 passed by the learned Family Judge, Salem in M.C.No.70 of 2016.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3. On a perusal of the records, it could be seen that the petitioner has filed a petition in the year 2021 to set aside the exparte judgment along with the petition to condone the delay before the Court below. Simultaneously, for the same prayer, the petitioner has also filed this revision before this Court. It is to be noted that exparte judgment came to be passed on 13.11.2018, however this revision was filed only in the year 2021. In other words, the revision is barred by limitation, since the same was not filed within 90 days from the date of receipt of the order passed by the learned Judge, Family Court, Salem.



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4. In such view of the matter, the Criminal Revision Case fails and the same is dismissed as not maintainable. Consequently, connected miscellaneous petition is closed.

19.09.2022

Speaking Order: Yes.

Index : Yes.

r n s

To

The Family Court,
Salem.



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P.VELMURUGAN, J.,

r n s

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