



Crl.M.P.No.1451 of 2022 in

Crl.RC.SR.No.46332 of 2022

P.VELMURUGAN,J.

The Criminal Miscellaneous Petition has been filed seeking to condone the delay of 844 days in filing the present Memorandum of Criminal Revision Case which has been filed challenging the interim order passed in M.C.No.6 of 2017 dated 31.10.2017 on the file of the Judicial Magistrate, Perambalur, now Principal Family Court, Perambalur.

2. It is seen that the said order in M.C.No.6 of 2017 dated 31.10.2017 is an ex- parte order. Even now the petitioner has filed above Criminal Revision Case with delay of 844 days, to set aside the ex-parte order passed by the learned Judicial Magistrate.

3. It is a case of maintenance filed by the wife along with minor child against the petitioner/husband. Admittedly, the petitioner is working in Dubai and having sufficient means. The respondents are residing in India. Even when the respondents had filed a petition under Section 125 Cr.P.C., seeking maintenance, the petitioner/husband evaded the same and not



appeared before the Magistrate to contest the case. Therefore, ex-parte order was passed by the Magistrate against the petitioner/husband. Even to challenge the said ex-parte order, the petitioner/husband has not approached this Court in time and has waited for 844 days by living sophisticated life in Dubai, leaving minor child and wife in India. Though notice was served, he did not care to defend the case before the Magistrate and even after passing order also, he did not comply with the order of the Court below. It is made clear that even though it is an ex-parte order, unless it is set aside, it is an executable order. The petitioner/husband neither complied with the order nor challenged the order in time. Further the reasons stated in the accompanying affidavit are not satisfied. Except to prolong the case, the petitioner/husband has not given any other fair reasons to condone the delay of 844 days.

4. Considering the fact that the matter is relating to maintenance for wife and minor child, and the fact that the petitioner/husband is having sufficient means and working in Dubai, getting salary of more than Rs.2 lakhs per month as per Indian money and that he has not paid any single pie to the child and wife even after the order was passed by the Magistrate, this Court is not inclined to condone the delay.



5. The learned Judicial Magistrate, Perambalur, now Principal Family Court, Perambalur, is directed to take Suo Motu execution petition and proceed with the order passed on 31.10.2017 in M.C.No.6 of 2017 and execute the same in the manner known to law even without any application is filed by the respondents/wife for execution, since the matter is with reference to maintenance.

6. With the above directions, this Criminal Miscellaneous petition is dismissed. Registry is directed to reject the revision petition.

06.09.2022

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To :

The Judicial Magistrate, Perambalur,
now Principal Family Court, Perambalur.



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P.VELMURUGAN,J.

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Criminal Revision Case No.1302 of 2022

06.09.2022