



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of January Two Thousand and Twenty Two

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.1039 of 2022

IN

CRL RC(MD) No.259 of 2021

G.RAJENDRAN

... PETITIONER/PETITIONER

Vs

1. UMA MAHESWARI
2. MINOR. THIVYADHARSHINI
3. MINOR. PRADEESH
4. MINOR. SANJANA

(RESPONDENTS NO.2 TO 4 ARE MINORS
REP BY GUARDIAN/MOTHER RESPONDENT-1)

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to to grant extension of time for a period of eight weeks to comply the order in CrI.M.P.(MD) No.2606 of 2021 in CrI.R.C.(MD) No.259 of 2021 dated 09/12/2021 and to deposit the amount a sum of Rs.2,80,500/- before the Family Court, Tirunelveli.

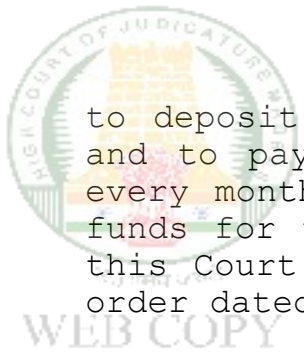
PRAYER IN CRL RC(MD) No.259 of 2021 :

Pleased to call for the records pertaining to the impugned order in Cr.MP.No.246 of 2019 in M.C.No.58 of 2017 dated 22.02.2021 on the file of the Family Court, Tirunelveli and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PINAYGASH I, Advocate for the petitioner and of MR.H.ARUMUGAM, Advocate on behalf of the 1st Respondent, the court made the following order:-

This petition has been filed to grant extension of time for a period of eight weeks to comply the order in CrI.M.P.(MD)No.2606 of 2021 in CrI.R.C.(MD)No.259 of 2021 dated 09.12.2021 and to deposit the amount before the Family Court, Tirunelveli.

2.On the side of the petitioner, it is stated that the stay was granted on 26.03.2021. On 18.08.2021, the interim stay was extended and the matter was referred to Mediation. Thereafter, the order was modified on 09.12.2021, this Court further directed the petitioner



to deposit 50% of the arrears amount within a period of one month and to pay 50% of monthly maintenance amount on or before 5th of every month. Due to poverty, the petitioner could not mobilize the funds for the deposit of the amount within the time limit fixed by this Court and prayed further extension of time to comply with the order dated 09.12.2021.

3.A perusal of the records reveals that the respondents filed a petition in M.C.No.58 of 2017 on the file of the Family Court, Tirunelveli. The trial Court ordered the petitioner to pay a sum of Rs.5,000/- (Rupees Five Thousand only) per month as maintenance for the first respondent and to pay a sum of Rs.2,000/- (Rupees Two Thousand only) per month for each of the respondents 2 to 4. The payment should be made on or before 5th of every month and to pay the arrears amount within a period of one month. The petitioner filed a petition in Cr.M.P.No.246 of 2019 to set aside the exparte order in M.C.No.58 of 2017. That petition was dismissed by the trial Court. Against which, the petitioner has filed the present revision along with stay petition. This Court has passed an stay order directing the petitioner to pay 50% of the arrears amount within a period of four weeks from the date of receipt of copy of that order and to pay 50% of monthly maintenance amount on or before 5th of every month. Failing which, the interim stay stands automatically vacated. The petitioner failed to file this extension petition within the time limit. An opportunity was given to the petitioner to file interim stay petition. Since this petition was not filed within the time limit, this Court is inclined to dismiss the petition.

4.Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-
25/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE JUDGE,
FAMILY COURT, TIRUNELVELI.

ORDER IN
CRL MP(MD) No.1039 of 2022
IN
CRL RC(MD) No.259 of 2021
Date :25/01/2022

USK/PN/SAR-II/01.02.2022/2P/2C

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