



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Second day of December Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8020 of 2022

in

CRL RC(MD) SR.No.22068 of 2022

S.DEEPANRAJ

... PETITIONER/PETITIONER

Vs

MINOR D.HAMSAVANI
REPRESENTED BY ITS GUARDIAN
UMAMAHESHWARI

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Condone the delay of 1519 days happened in preferring this Crl.R.C. before this Hon`ble Court.

Prayer in CRL RC(MD)SR.No.22068 of 2022 :

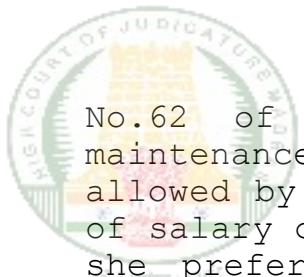
To call for the records pertain to the order dated 18.02.2016 passed by the Family Court, Tirunelveli, Tirunelveli District in M.C.No.62 of 2015 and set aside the same as illegal.

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.INDRACHITHU T, Advocate for the petitioner and of MR.M.P.SENTHIL, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to condone the delay of 1519 days in preferring the criminal revision petition.

2.The facts in brief:-

The marriage between the husband and wife took place, on 15/09/2013 as per their customary rites. After the above said marriage, there was petty misunderstanding between them. Later, the wife filed a petition in HMOP No.245 of 2015 before the Family Court, Tirunelveli and subsequently, she filed a petition in MC



No.62 of 2015 before the Family court, Tirunelveli, is for maintenance amount of Rs.15,000/- towards her minor child. That was allowed by the Family Court, Tirunelveli, on 18/02/2016. Attachment of salary of the revision petitioner was also made. In the meantime, she preferred another petition under the Domestic Violence Act, seeking monthly maintenance. That was heard by the Judicial Magistrate, Tenkasi in MC No.16 of 2017 and on 07/10/2021, it was allowed by directing the revision petitioner to pay a sum of Rs.7,500/- to the first respondent and Rs.5,000/- to the second respondent.

3.Challenging the above said amount, the main revision has been preferred. Since this revision petitioner was set ex-parte in the above said proceedings, seeking condonation of delay of 1519 days in preferring the revision, this miscellaneous petition has been filed.

4.Heard both sides.

5.The revision petitioner has mentioned some sort of contradictory facts in the petition. It has been stated that in MC No.62 of 2015, he was set ex-parte and that petition was filed by the minor child through her mother seeking maintenance amount of Rs.15,000/-. In that petition, in spite of repeated adjournments, the revision petitioner remained absent. So he was set ex-parte by directing to pay a sum of Rs.7,500/- as monthly maintenance. Now it has been stated that later also, MC No.16 of 2017 was filed, wherein also he was directed to pay Rs.7,500/- as monthly maintenance to the wife and Rs.5,000/- to the child. But the above said order is not produced before this court. Only the order that has been passed in MC No.62 of 2015 is produced in the typed set of papers.

6.Whether any effort was made by the revision petitioner to file a petition to set aside the ex-parte order is also not clear on record. Here there is only one respondent. But in the grounds of the petition, it has been stated that as if there are two respondents. Even before this court, for making out settlement the matter was referred to the mediation, but there is no settlement in the mediation process.

7.Except stating that in the subsequent proceedings, he was directed to pay Rs.5,000/- as monthly maintenance to the child and Rs.7,500/- to wife, no other ground has been made by the revision petitioner to condone the above said enormous delay. So the learned counsel appearing for the respondent would submit that only after attachment of the salary, this miscellaneous petition has been filed.

8.From the discussion made above, absolutely, no ground has been made out by the revision petitioner to condone the delay of 1519 days. I find no reason to entertain this petition.



CRL MP(MD)



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9. In the result, this criminal miscellaneous petition is dismissed.

sd/-
02/12/2022

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

TO

THE JUDGE,
FAMILY COURT, TIRUNELVELI,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL MP(MD) No.8020 of 2022
in
CRL RC(MD) SR.No.22068 of 2022
Date :02/12/2022

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USK/VR/SAR-IV/22.12.2022/3P/2C