



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.R.C. (MD)No.885 of 2021**

**and**

**Crl.M.P. (MD)No.10571of 2021**

P.Manivel

... Petitioner/ Petitioner/Respondent

Vs.

1. Bhuvaneshwari

2. Minor.Deepika ...Respondents/Respondents/Petitioners  
(Minor Rep by her mother Bhuvaneshwari)

**Prayer:** This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the order dated 06.10.2021 and its consequent order dated 08.11.2021 passed in C.M.P No.5 of 2021 in M.C No.2 of 2020 on the file of the Family Court/District Court, Karur, and allow present Criminal Revision.

For Petitioners : Mr.V.Balaji

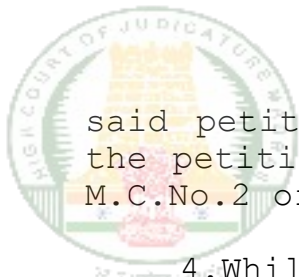
For R1 & R2 : Mr.S.Vijaya Shanthi

**ORDER**

The revision petition has been filed to set aside the order passed by the Family Court/District Court, Karur, in C.M.P.No.5 of 2021 in M.C.No.2 of 2020, dated 06.10.2021, thereby allowed the petition to set aside the Exparte order, on condition that the petitioner shall deposit a sum of Rs.50,000/- to the credit of M.C.No.2 of 2020.

2.The petitioner is the husband and the first respondent is the wife. They got married and out of their wedlock, they gave birth to the second respondent. However, due to misunderstanding between them, they got separated and living separately. Therefore, the respondents herein filed the Maintenance Case as against the petitioner in M.C.No.2 of 2020. In the maintenance case, after receipt of the notice, the petitioner did not appear before the trial Court and as such, he was set Exparte and Exparte order was passed on 07.05.2021, thereby ordered maintenance of Rs.10,000/- payable by the petitioner in favour of the respondents herein.

3.Aggrieved by the same, the petitioner preferred a petition to set aside the exparte order with a delay of 24 days in filing the



said petition. The Court below allowed the same on condition that the petitioner shall deposit a sum of Rs.50,000/- to the credit of M.C.No.2 of 2022.

4.While admitting this Revision petition, this Court ordered to deposit a sum of Rs.1 lakh to the credit of M.C.No.2 of 2020 and accordingly, the petitioner deposited a sum of Rs.1 lakh to the credit of M.C.No.2 of 2020.

5.In view of the above, the exparte order, dated 07.05.2021 passed in M.C.No.2 of 2020 is set aside. The trial Court is directed to restore the maintenance case on file and complete the trial within a period of six months, from the date of receipt of a copy of the order. The respondents are permitted to withdraw the amount, which was deposited by the petitioner to the credit of M.C.No.2 of 2020, on filing the appropriate application.

6.With the above direction, this criminal revision case is allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judge, Family Court, Karur,
2. The Judge, District Court, Karur.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VIJAYASHANTHI, Advocate ( SR-8420[F] dated 24/02/2022  
+1 CC to M/s.V.BALAJI, Advocate ( SR-10403[F] dated 07/03/2022 )

**CrI.R.C. (MD)No.885 of 2021**

03.03.2022

KG (CO)

TR(15.03.2022) 2P 6C

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