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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21764 of 2023

C.Ethiraj

... Petitioner

Vs.

U.Lavanaya

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the return Docket order dated 13.04.2023 passed by the learned III Additional Family Court, Chennai and direct to number the condone delay petition in M.C.No.215 of 2018.

For Petitioner

: Mr.P.Muthamizhselvakumar

ORDER

This petition has been filed challenging the docket order passed by the Court below returning the application filed by the petitioner to condone the delay in filing the petition to set aside the ex-parte order passed in M.C.No.215 of 2018.

<https://www.mhc.tn.gov.in/judis> 2. The learned counsel for the petitioner submitted that the Court below is

refusing to entertain the application on the ground that the petitioner has not



paid the arrears of maintenance and that a non-bailable warrant has also been issued against the petitioner and is pending.

3.The learned counsel for the petitioner submitted that the petitioner will pay the entire arrears of maintenance and he will also appear before the Court and re-present the application and the learned counsel requested this Court to direct the Court below to entertain the application.

4.Recording the above submissions, the petitioner is directed to re-present the application after complying with the undertaking that was given before this Court and the Court below shall entertain the application and proceed further in accordance with law.

5.This Criminal Original Petition is disposed of with the above direction.

22.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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To

1. The III Additional Family Court, Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.





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N.ANAND VENKATESH,J.

SSR

Crl.O.P.No.21764 of 2023