



WEB COPY



Crl.R.C.No.1535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1535 of 2023
and
Crl.M.P.No.14026 of 2023

C.S.Sridhar

... Petitioner

Vs.

1.S.Deepa

2.Minor C.S.Thushitha

(Minor represented by her mother S.Deepa)

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order dated 16.11.2022 made in M.C.No.266 of 2021 on the file of III Additional Principal Family Court, Chennai.

For Petitioner : Mr.B.Dinesh Kumar

For Respondents : Dr.G.Krishnamurthy

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order dated 16.11.2022 passed in M.C.No.266 of 2021 on the file of III Additional Principal Family Court, Chennai.



2.The petitioner/respondent in M.C.No.266 of 2021, who is the estranged husband of the first respondent and father of the second respondent, had filed the revision in Crl.R.C.No.1535 of 2023, challenging the order passed on 16.11.2022 directing the petitioner to pay a sum of Rs.30,000/- per month to the first respondent and Rs.10,000/- per month to the second respondent towards interim maintenance from 26.07.2021. The said revision came to be dismissed by this Court on 25.09.2023 for non appearance of the petitioner and also finding that the petitioner at the time of admission on 13.09.2023 agreed to pay a sum of Rs.2,00,000/- to the respondents on or before 22.09.2023 but this condition was not complied with. Thereafter, restoration petition was filed by the petitioner and the same was ordered by this Court on 06.03.2024 and the revision was restored to file.

3.The learned counsel appearing for the respondents submitted that the petitioner is due to the respondents, nearly Rs.7,00,000/-. The petitioner not paid any amount and recently he paid Rs.1,60,000/- through Gpay and earlier he paid Rs.40,000/-, in total, the respondents received Rs.2,00,000/-. It is seen that in M.C.No.266 of 2021, it has been recorded as petitioner was set



ex-parte on 04.07.2022. Learned counsel further submitted that though it was recorded as *ex-parte*, the petitioner participated in the maintenance case, submitted his evidence and thereafter, he failed to continue with the proceedings. The petitioner voluntarily absented himself and caused delay in the proceedings in M.C.No.266 of 2021. Hence, the trial Court was constrained to pass such an order. In that order, merits of the case and contentions of the petitioner have been discussed. He further submitted that the petitioner might take advantage of this Court order and further protract the proceedings in M.C.No.266 of 2021.

4.The learned counsel for petitioner undertakes that he would appear before the Family Court, co-operate with the proceedings in M.C.No.266 of 2021 and he will not be a cause for delay and in any event, proceedings in M.C.No.266 of 2021 can be completed within a period of three months. Learned counsel for the respondents is also agreeable for the same.

5.In view of above, the *ex-parte* order dated 16.11.2022 passed in M.C.No.266 of 2021 by the learned III Additional Principal Judge, Family Court, Chennai, is hereby set aside.



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6.The III Additional Principal Family Court, Chennai is directed to take M.C.No.266 of 2021 on file, proceed to complete the trial and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. This three months period is only an outer limit. The petitioner shall continue to pay the maintenance amount of Rs.20,000/- per month to the respondents during this three months period.

7.With the above directions, this Criminal Revision Case is disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

06.03.2024
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No
rsi

To

The III Additional Principal Judge,
III Additional Principal Family Court,
Chennai.



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M.NIRMAL KUMAR, J.

rsi

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