



C.R.P. No. 3223 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 3223 of 2023

and

C.M.P.No.19886 of 2023

Rajasekar

...Petitioner

.Vs.

1. M. Pragadeeswari

2. R.P. Shree Pradhosh (Minor)

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to allow the revision by revoking the condition of payment in the fair order passed by the Principal District and Sessions Court at Tiruvallur in CrI.M.P.No.5459 of 2022 in Unnumbered Criminal Appeal Sr No.6106/2022 dated 11.07.2023.

For Petitioner

: Mr. R. Lakshmipathy



C.R.P. No. 3223 of 2023

WEB COPY

ORDER

This petition is filed to allow the revision by revoking the condition of payment in the fair order passed by the Principal District and Sessions Court at Tiruvallur in CrI.M.P.No.5459 of 2022 in Unnumbered Criminal Appeal Sr No.6106/2022 dated 11.07.2023

2. The facts of the case is that the petitioner is the husband and the first respondent is the wife and the second respondent is the child, due to some dispute D.V.C. No. 8 of 2021 was filed by the first respondent wife and when the same was pending C.M.P.No.3545 of 2022 in D.V.C. No. 8 of 2021 was filed seeking for maintenance and the same was ordered on 26.07.2022, wherein the learned Judge directed to pay a sum of Rs.10,000/- to the wife/respondent and the same was not complied by the petitioner herein. Thereafter, the petitioner filed CrI.M.P.No.5459 of 2022 under Section 5 of Limitation Act praying to condone the delay of 149 days in filing the present appeal as against the interim relief orders passed by the Judicial Magistrate No.II, Poonamallee in C.M.P.No.3545 of 2022 dated 26.07.2022 and the same was allowed with a direction to the petitioner



C.R.P. No. 3223 of 2023

herein to pay 50% of the arrears amount to the respondent on or before 10.08.2023 as per the order of the Judicial Magistrate No.II, Poonamallee in C.M.P.No.3545 of 2022 dated 26.07.2022. Challenging the same, the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that the petitioner herein is a mentally retarded person and the Court below without proper appreciation of facts has passed the impugned order mechanically. He further submits that the petitioner is not having source of income to pay maintenance to his wife. Hence he prays this Court to modify the condition of payment of 50% of arrears amount is to be revoked.

4. On a perusal of the impugned order it is seen that the issue dealt in only with regard to the condoning the delay of 149 days in filing the petition in Crl.M.P.No.5459 of 2022 and the same was dismissed with a direction to pay 50% of arrears amount to the respondent. However, there is no infirmity in the impugned order and the same is hereby confirmed. This



C.R.P. No. 3223 of 2023

Civil Revision petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

05.09.2023

smn

Index : Yes/No

Internet: Yes/No

To.

1. The Principal District and Sessions Court at Tiruvallur



WEB COPY



C.R.P. No. 3223 of 2023

V.BHAVANI SUBBAROYAN,J.
Smn

C.R.P. No. 3223 of 2023
and
C.M.P.No.19886 of 2023

05.09.2023