



WEB COPY



*Crl.M.P.No.16337 of 2023
in Crl.RC.SR.No.49314 of 2023*

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **M. NIRMAL KUMAR**

Crl.M.P.No.16337 of 2023
in Crl.RC.SR.No.49314 of 2023

S.Padmanaban

... Petitioner

Vs.

S.Visalatchi

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 5 of Limitation Act to condone the delay of 109 days in filing the petition to revise and set aside the ex-parte order on 11.03.2021 in F.C.M.C.No.36 of 2020 on the file of the Family Court, Vellore.

For Petitioner : Mr.R.Arunkumar
For Respondent : Mr.K.Sankar

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner to condone the delay of 109 days in filing the petition to revise and set aside the ex-parte order on 11.03.2021 in F.C.M.C.No.36 of 2020 on the file of the Family Court, Vellore.



*Crl.M.P.No.16337 of 2023
in Crl.RC.SR.No.49314 of 2023*

WEB COPY

2.The petitioner who is a respondent in F.C.Ms.No.36 of 2020 filed by his mother/respondent herein seeking maintenance. The learned Family Court Judge, Vellore by order dated 11.03.2021 directed the petitioner to pay a sum of Rs.20,000/- per month to the respondent who has been neglected by the petitioner, who is employed in Central Reserve Police Force [CRPF]. When the petition was filed, the petitioner was posted in Rourkela, Odisha State and hence, he remained exparte. On coming to know about the same, the petitioner filed the present petition challenging the order of the Lower Court with a delay.

3.The learned counsel for the respondent submits that the petitioner is serving in CRPF, despite service of summons he has failed to attend the Court below and the respondent is suffering without any maintenance amount and she is sustaining herself with the help of others and by borrowings. He further submitted that the respondent is unable to meet her medical expenses.



*Crl.M.P.No.16337 of 2023
in Crl.RC.SR.No.49314 of 2023*

4.The learned counsel for the petitioner submits that at the time of filing the petition, the petitioner instructed him but thereafter he is unable to contact the petitioner and hence, he has no instructions to the present state of affairs.

5.Considering the submissions made and on perusal of the materials, it is seen that the petitioner being employed in Armed Force neglecting to obey the order of the Court which cannot be taken lightly. In view of the same, this Court finds no merits in the petitioner's contention and hence, this Criminal Miscellaneous Petition stands dismissed. Consequently, Crl.RC.SR.No.49314 of 2023 is rejected.

11.12.2023

cse



WEB COPY



*Crl.M.P.No.16337 of 2023
in Crl.RC.SR.No.49314 of 2023*

M. NIRMAL KUMAR, J.

cse

To

The Judge,
Family Court,
Vellore.

**Crl.M.P.No.16337 of 2023
in Crl.RC.SR.No.49314 of 2023**

11.12.2023