



Crl.R.C.(MD).No.1025 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1025 of 2022
and Crl.M.P.(MD).No.12864 of 2022

M.Arunkumar

... Petitioner

Vs.

1.A.Ragamathnisha

2.Minor Mohammed Kanish

... Respondents

(Minor 2nd respondent represented through his mother 1st respondent)

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order, dated 26.07.2022 made in Cr.M.P.No.36 of 2022 in M.C.No.136 of 2019, on the file of the Family Court, Madurai and set aside the impugned order in Cr.M.P.No.36 of 2022 as illegal.

For Petitioner : Mr.R.Jegadeeshwaran

For Respondents : Mr.S.Poornachandran

ORDER

This revision petition has been filed against the order, dated 26.07.2022 made in Cr.M.P.No.36 of 2022 in M.C.No.136 of 2019, on the



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file of the Family Court, Madurai.

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2.Due to the non appearance of the petitioner herein, he was set exparte before the Family Court, Madurai in M.C.No.136 of 2019, which was filed by the respondent and exparte order was passed on 21.12.2021. After came to the same, the petitioner herein, has filed a petition to set aside the above said exparte order. The trial Court has allowed the petition in Cr.M.P.No.36 of 2022, on 26.07.2022, on payment of cost of Rs.2,00,000/- as part payment of arrear amount to the respondent. Against which, this revision has been preferred before this Court.

2.By the order of this Court dated 20.01.2023, on the basis of undertaking given by the petitioner, he was directed to deposit Rs.58,000/- towards the arrear amount to the credit of the M.C.No.136 of 2019 before the trial Court. That order was complied by the petitioner and the voucher has also been produced to that effect.

3.Even though the conditional order has been passed by the trial Court directing the revision petitioner to pay a sum of Rs.2,00,000/-, to the respondent, by this Court it was revised as Rs.58,000/-. Accordingly, this



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revision petition is **allowed** and the conditional amount imposed by the trial Court is modified to the effect that the petitioner shall deposit Rs.58,000/- before the trial Court to the credit of M.C number. That was also complied by the petitioner. Therefore, both parties are directed to appear before the trial Court. The trial Court shall take the matter on his file and dispose the same on merits within a period of **three** months from the date of receipt of appearance of the parties. In the meantime, the respondent herein is permitted to withdraw the above said deposited amount by following the proper procedure. Consequently, connected miscellaneous petition is closed.

06.02.2023

Index : Yes / No
Internet : Yes / No
TM

To

1. The Judge, Family Court, Madurai.



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