



CrI.R.C.(MD).No.947 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:25.08.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C.(MD).No.947 of 2023

and

CrI.M.P(MD).No.12334 of 2023

S.Rajkumar

... Petitioner

Vs.

1.T.Radha

2.Minor Dhatchna

3.Minor Dhatchna

... Respondents

(2 and 3rd respondents represented by her mother/natural guardian the first respondent)

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Cr.M.P.No.436 of 2022 in M.C.No.10 of 2021 on the file of the learned Family Court, Judge Madurai and to set aside the order passed in Cr.M.P.No.436 of 2022 dated 18.07.2023.

For Petitioner : Mr.A.Raja



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ORDER

This Criminal Revision Case has been filed against the order passed in Cr.M.P.No.436 of 2022 in M.C.No.10 of 2021 on the file of the learned Family Court, Judge Madurai.

2. According to the petitioner, the first respondent is his wife. She filed a maintenance petition in M.C.No.10 of 2021, on the file of the Family Court, Madurai. In the said proceedings, he appeared through an advocate. The learned trial Judge, passed an exparte maintenance order, by order, dated 12.07.2022. To set aside the same, the petitioner filed a CrI.M.P.No. 436 of 2022.

3. The learned trial Judge, after considering the entire facts and also the arrears amount of Rs.5,97,000/-, allowed the petition with condition that the petitioner shall deposit a sum of Rs.1,00,000/-, on or before 18.08.2023. Challenging the same, he filed this petition.



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4. According to the petitioner, he is working as a Sales Representative and hence, he is unable to generate the fund ie., a sum of Rs.1,00,000/- and also stated that his wife is also a working. Now the petitioner is taking steps for reunion. In the said circumstances, he seeks to allow this case.

5. This Court considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

6. Even according to the petitioner, during the course of trial, he has appeared through an advocate and also participated in the conciliation proceedings initiated by the learned trial Judge. Therefore, the petitioner's plea that he has no knowledge about the ex-parte order deserves to be rejected. Even though the learned trial Judge provided adequate opportunities to the petitioner, he has not contested the case on merits. Hence, the learned trial Judge, passed the ex-parte maintenance order. Thereafter, considering the welfare of the first respondent/wife and two



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minor children, the learned trial Judge, directed to deposit a sum of Rs.1,00,000/- to set aside the ex-parte maintenance order. Further, they have not received any maintenance amount from 2021 onwards. Therefore, this Court finds no error in imposing the condition to deposit a sum of Rs. 1,00,000/- among the arrears amount of Rs.5,97,000/-. Hence, this Court, considering the situation of the first respondent/wife and the minor children/respondents 2 and 3, is not inclined to interfere with the order passed by the trial Court.

7. Accordingly, the Criminal Revision Case, stands dismissed. Consequently, connected miscellaneous petition is closed.

25.08.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No

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K.K.RAMAKRISHNAN, J.

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