



C.R.P.No.749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.749 of 2023

1.V.Dinesh
2.Velayudham
3.Vanajakshi

.. Petitioners

Vs.

Brinda

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the dismissal order in petition for restoration in CrI.M.P.No.738 of 2022 in C.A.No.18 of 2019 dated 27.10.2022 on the file of the Additional District Judge, Mayiladuthurai, to restore the Criminal Appeal in C.A.No.18 of 2019, which was dismissed on 28.09.2022 for non-prosecution.

For Petitioners : Mr.K.Rajasekharan

For Respondent : M/s.R.Meenal

ORDER

This Civil Revision Petition has been filed seeking for a direction to set aside the dismissal order in petition for restoration in CrI.M.P.No.738 of



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2022 in C.A.No.18 of 2019 dated 27.10.2022 on the file of the Additional District Judge, Mayiladuthurai, to restore the Criminal Appeal in C.A.No.18 of 2019, which was dismissed on 28.09.2022 for non-prosecution.

2.The respondent herein had filed the domestic violence case in D.V.C.No.8 of 2017 against the petitioners seeking for various reliefs. The learned Judicial Magistrate ordered to pay a sum of Rs.5 Lakhs towards maintenance and to return 40 sovereign of gold jewels to the respondent. Challenging the same, the petitioners preferred an appeal in C.A.No.18 of 2019 on the file of the Principal District and Sessions Court, Nagapattinam and the same was dismissed for default. Therefore, the petitioners filed a petition in Crl.M.P.No.738 of 2022, to restore the appeal, which was also dismissed for non-prosecution on 27.10.2022. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned counsel appearing for the petitioners submitted that if the Criminal Appeal in C.A.No.18 of 2019 is not restored, the petitioners will be put into irreparable loss and hence, he prayed to set aside the order dated



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27.10.2022 made in Crl.M.P.No.738 of 2022.

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4.Learned counsel appearing for the respondent submitted that since the petitioners failed to contest the appeal and the restoration petition, the Court below has rightly dismissed the same and hence, she prayed to dismiss the present Civil Revision Petition.

5.Heard the learned counsel for the petitioners as well as the respondent and perused the materials available on record.

6.Upon hearing and perusal of the records, this Court is of the view that since the appeal and the restoration petition has been dismissed for non-prosecution, one more opportunity can be given to the petitioners to prosecute the case.

7.In view of the above, the order dated 27.10.2022 made in Crl.M.P.No.738 of 2022 in C.A.No.18 of 2019 on the file of the Additional District Court, Mayiladuthurai stands quashed. The Additional District



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Judge, Mayiladuthurai is directed to hear the appeal on merits and dispose the same as expeditiously as possible within a period of one months from the date of receipt of a copy of this order.

8.Accordingly, the Civil Revision Petition is disposed of. No costs.

04.11.2024

rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

The Additional District Judge, Mayiladuthurai



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N.SATHISH KUMAR, J.

rst

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