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Crl.R.C.No.1257 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1257 of 2023

P.Anbalagan

... Petitioner

Vs.

Minor.Abijeet

Represented by his next Guardian Mother

Joypriya

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to call for the records culminating in E.I.A.No.1 of 2023 in M.C.No.47 of 2021 on the file of learned Family Court Judge, Tiruppur vide order dated 13.04.2023, set aside the same.

For Petitioner : Mr.Sanjay N Gandhi

For Respondent : NRN

O R D E R

This criminal revision has been filed seeking to set aside the order dated 13.04.2023 passed by the learned Family Court Judge, Tiruppur in E.I.A.No.1 of 2023 in M.C.No.47 of 2021.

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2.The learned counsel appearing for the petitioner submitted that the petitioner is the Father of the minor respondent. The minor respondent through his Mother filed M.C.No.47 of 2021 claiming a sum of Rs.20,000/- per month as maintenance and an exparte order as against the petitioner was passed in the maintenance case. Thereafter, the petitioner filed interlocutory application seeking to set aside the exparte order and the said petition was allowed subject to the condition that the petitioner pays a sum of Rs.20,000/- as costs and since the petitioner did not pay the costs, the said petition was dismissed on 13.04.2023.

3.The learned counsel appearing for the petitioner, on instructions, further submitted that the petitioner is ready to pay a sum of Rs.5,000/- towards monthly interim maintenance and is also ready to deposit the entire arrears amount from the date of petition to till date and prayed that this Court may direct the Court below to restore the maintenance case on file and to dispose of the same within a time frame, after the petitioner deposits the entire arrears amount.

4.Heard the learned counsel appearing for the petitioner. Till



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date, the petitioner has not taken any steps to serve notice on the respondent. Since this Court is not inclined to pass any adverse order as against the respondent, this Court is inclined to dispose of the case based on the materials available on record.

5.Considering the submission made by the learned counsel appearing for the petitioner, this Court pass the following order:

(i)The petitioner is directed to deposit the entire arrears amount at the rate of Rs.5,000/- per month from the date of petition in M.C.No.47 of 2021 to till date (15.07.2024) to the credit of M.C.No.47 of 2021 on the file of the learned Family Court Judge, Tiruppur, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order.

(ii)After the petitioner deposits the entire arrears amount, the learned Family Court Judge, Tiruppur, shall restore M.C.No.47 of 2021 on its file and shall dispose of the maintenance case in M.C.No.47 of 2021, on merits and in accordance with law, within a period of three months from the date of deposit of the entire arrears amount.



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(iii)The petitioner shall continue to pay a sum of Rs.5,000/- per month to the respondent as interim maintenance on or before 7th of every succeeding English Calender Month till the disposal of the maintenance case.

(iv)If the petitioner fails to comply with the conditions imposed by this Court, the learned Family Court Judge, Tiruppur, shall proceed against the petitioner in the manner known to law.

6.This revision is disposed of on the above terms.

15.07.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Family Court,
Tiruppur.



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M.DHANDAPANI,J.
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