



Crl.RC.No.701 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.04.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.701 of 2024
and
Crl.MP.No. 6516 of 2024

S.M.Karthick Vishnu Varthan
Minor rep. by mother,
R.Vaishnavi,

...Petitioner

Vs.

S.Mangesh Kumar

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to call for the records pertaining to the order passed by II Additional Principal Family Court, Chennai in M.P.No.1207 of 2022 in M.C.No.466 of 2019 dated 24.03.2023 and set aside the same.

For Petitioner : Ms.N.Fidelia

ORDER

This Criminal Revision case has been filed seeking to set aside the order passed by the II Additional Principal Family Court, Chennai in M.P.No.1207 of 2022 in M.C.No.466 of 2019 dated 24.03.2023.



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2. The case of the petitioner is that, the marriage between the petitioner's mother/wife and the respondent/husband was solemnised in the year 2011 as per Hindu rites and customs and out of their wedlock, they were blessed with the petitioner herein in the year 2014. Whiles, due to some matrimonial dispute, the petitioner's mother and the respondent/father of the petitioner got separated in the year 2014 and the petitioner is under the care and custody of his mother and the respondent failed to take care of the petitioner. Thereby, the petitioner filed a maintenance case in MC.No.466 of 2019 on the file of then II Additional Principal Family Court, Chennai, claiming a monthly maintenance of Rs.1,00,000/-. After adjudication, the trial court, vide exparte order dated 08.12.2021 awarded a maintenance of Rs.50,000/- in favour of the petitioner payable by the respondent. In such circumstances, the respondent filed O.P.No.4172 of 2018, seeking guardianship of the petitioner and also filed MP.No.1207 of 2022, seeking to appoint one Ganesan Munusamy as his power agent to appear, prosecute and the represent the case for the respondent and the trial court, had also allowed the said petition. Aggrieved with the said order, the petitioner has come up with this revision.



3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, the exparte order dated 08.12.2021 made in MC.No.466 of 2019 was subsequently revoked and the main case was restored on 06.12.2022. Hence, it would suffice, if this Court issues direction to the trial court to dispose of the main case in MC.No.466 of 2019 within the time stipulated by this court.

4. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

5. Though grounds have been raised questioning the sustainability of the order passed by the court below, however, in view of the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case and without interfering with the order impugned in this Criminal revision, issues direction to the trial court to disposed of the main case in MC.No.466 of 2019 within a period of three months from the date of receipt of a copy of this order, after affording opportunity to the parties to canvass their grievances.



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M.DHANDAPANI, J.

skt

6. With the above direction this Criminal Revision Case stands disposed of. Consequently, the connected Miscellaneous petition is closed.

18.04.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

II Additional Principal Family Court,
Chennai

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