



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP Nos.17655,18061 and 18063 of 2023
and Crl.MP.No.11929 of 2023

A.N.Senthil

...Petitioner/Petitioner
in all Crl.OPs

.Vs.

S.Vishalini

.. Respondent /Petitioner
in all Crl.OPs

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Criminal Procedure Code, to modify the order passed in CMP.Nos.232,230 and 231 of 2023 in M.C.No.15 of 2019 dated 13.7.2023 on the file of the Family Court, Erode insofar as to payment of Rs.20,000/- towards maintenance.

For Petitioner : Mr.J.Prithvi
In all Crl.OPs

COMMON ORDER

These petitions have been filed seeking for modification of one of the condition that was imposed by the Court below while allowing the applications in CMP.Nos.230, 231 and 232 of 2023, by directing the petitioner to pay a cost of Rs.20,000/- in each petition.



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2.The respondent has filed a maintenance case against the petitioner and sought for payment of monthly maintenance of sum of Rs.1,00,000/-. The pleadings were complete and the case was at the stage of examination of witness. The respondent examined herself as PW.1. Even though, the case was adjourned on several occasions, the petitioner did not cross examine the respondent. Hence, the evidence was closed and an ex-parte order was passed on 23.8.2022.

3.The petitioner filed three applications. The first petition is to condone the delay of 81 days in filing the petition to set aside the ex parte order dated 23.8.2022, the 2nd petition was to set aside the ex parte order and the 3rd petition was to recall PW.1 and PW.2 for cross examination.

4.All these petitions were considered by the Court below and an order was passed on 13.7.2023 by allowing the petitions with a condition that the petitioner should pay a sum of Rs.20,000/- in each petition on or before 24.7.2023, failing which, the petition will stand automatically dismissed. Aggrieved by the same, these criminal original petitions have been filed before this Court.

5.Heard Mr.J.Prithvi, learned counsel for the petitioner.



6. When the matter came up for hearing on 8.8.2023, this Court directed the petitioner to pay cost of Rs.5,000/- in each petition totalling a sum of Rs.15,000/- before the Court below on or before 11.9.2023. This condition was complied with by the petitioner and a memo to that effect was also filed and was recorded by this Court on 12.9.2023. Considering the fact that an opportunity must be given to the petitioner and that the petitioner has also complied with the deposit of cost imposed by this Court, the condition imposed by the Court below is modified to the extent of the cost fixed by this Court.

7. The Court below is directed to proceed further with the case in MC.No.15 of 2019, dated 13.7.2023 and it shall be completed within a period of **eight weeks** from the date of receipt of copy of the order. A compliance report shall also be filed before this Court.

8. These criminal original petitions are disposed of with the above directions.

24.01.2024

Speaking Order/Non-Speaking Order
Index: Yes/No
Internet: Yes/No
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N.ANAND VENKATESH.J.,

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To

1. Family Court, Erode.
2. The Public Prosecutor,
High Court, Madras.

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