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Crl.RC No.1759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1759 of 2024

Rajagopal

... Petitioner

Vs.

Mariammal alias Santhi

... Respondent

PRAYER: Criminal Revision Case filed under Sections 438 of the BNSS, to set aside the portion on the order dated 21.09.2024 made in Cr.M.P.No.46 of 2024 in MC No.11 of 2017 on the file of the learned Judge of the Family Court, Puducherry in so far as “*on payment of Rs.1,00,000/- towards the arrears amount to be paid by the petitioner to the respondent on or before 21.10.2024, call on 22.10.2024. Otherwise, this petition shall stand dismissed.*” by allowing this revision petition.

For Petitioner : Mr.P.Suresh Babu

ORDER

The Criminal Revision Case has been filed challenging the condition to pay a sum of Rs.1,00,000/- towards arrears of the maintenance amount imposed by the learned District Judge, Family Court (FAC), Puducherry, while condoning the delay of 701 days in filing the petition to set aside the *exparte* order dated 02.04.2022 passed in M.C.No.11 of 2017.



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2. The learned counsel for the petitioner would submit that the petitioner is aged about 61 years and had recently undergone a surgery; that he is unable to pursue his employment because of the surgery; that in view of the onerous condition, he is unable to challenge the *exparte* order of maintenance; and that he has sufficient grounds to establish that the respondent is not entitled to maintenance.

3. Though the respondent has been served, none has entered appearance.

4. Considering the condition imposed and the medical certificate produced by the petitioner, to show that he had undergone surgeries in the month of June 2024 and treated as inpatient in Nalam Nalgum Savery Clinic, Puducherry from 25.06.2024 to 29.06.2024, this Court is inclined to modify the condition imposed by the learned District Judge, Family Court (FAC), Puducherry.

5. Accordingly, the petitioner is directed to pay a sum of Rs.50,000/- [Rupees Fifty Thousand Only] to the respondent within a



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period of two weeks from the date of receipt of a copy of this order and shall pay the monthly maintenance of a sum of Rs.5,000/- to the respondent on or before 5th day of every English calendar month, till a final decision is taken in M.C.No.11 of 2017, failing which, the order dated 21.09.2024 in Cr.M.P.No.46 of 2024 in M.C.No.11 of 2017 passed by the learned Judge, Family Court (FAC), Puducherry, would be confirmed.

6. With the above modification, the Criminal Revision Case stands allowed. The learned District Judge, Family Court (FAC), Puducherry may dispose of the Maintenance case, as expeditiously as possible, in any event, within a period of six months from today.

15.11.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No.

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To

The District Judge,
Family Court, Puducherry.



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SUNDER MOHAN, J.

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