



Crl.R.C.No.2084 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2084 of 2024

1.Maheswari
2.Minor Amica
represented by her mother 1st petitioner ... Petitioners

Vs.

Saravanan ... Respondent

PRAYER: Criminal Revision Case filed under Section 438 & 442 of BNSS to call for the records in Crl.M.P.No.12 of 2024 in M.C.No.158 of 2017 on the file of the learned Additional Principal Family Judge, Coimbatore.

For Petitioners : Mr.K.Balasubramaniam
For Respondent : Mr.P.Sakthivel

ORDER

The revision petition challenges the order passed by the Additional Principal Family Court, Coimbatore condoning the delay of 475 days in filing the petition by the respondent to set aside the exparte order.



2.The petitioners are the wife and minor daughter of the respondent, they had filed an application in M.C.No.158 of 2017, in which the respondent was set exparte. The respondent filed a petition to condone the delay of 475 days in setting aside the exparte order. The Trial Court after considering the submissions made on either side had allowed the petition on payment of arrears of interim maintenance ordered by the Court in three equal instalments after adjusting the amount of Rs.3,00,000/- deposited by the respondent on 14.10.2023.

3.The learned counsel for the petitioners would however, submit that the order passed by the Trial Court has been violated and the respondent has not made any deposit as ordered by the Court and hence, the order condoning the delay has to be set aside.

4.The learned counsel for the respondent, however, would state that he had complied with the order and in any case, there is no infirmity in the order and he had explained the reasons for the delay and therefore, the order of the Court may be confirmed.



Crl.R.C.No.2084 of 2024

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5.The main grievance of the petitioners is that the respondent had not complied with the conditional order passed by the Court. It is needless to say that if the conditional order is not complied with, the order allowing the petition for condoning the delay would stand dismissed automatically. It is for the petitioners therefore to establish before the Court that the respondent had not complied with the order. Therefore, this Court finds no merits in the revision.

6.Accordingly, the Criminal Revision Petition stands dismissed.

28.11.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No

cse

To

The Additional Principal Judge,
Additional Principal Family Court,
Coimbatore.



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Crl.R.C.No.2084 of 2024

SUNDER MOHAN, J.

cse

Crl.R.C.No.2084 of 2024

28.11.2024