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Crl.R.C.No.934 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.934 of 2023
And
Crl.M.P.No.7584 of 2023**

Kalairaj

... Petitioner

Vs.

1.Ambika

2.Minor.Lamreena

Rep. by Natural Guardian of Mother

Ambika

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, seeking to call for the records pertaining to the order dated 28.10.2022 passed in Crl.M.P.No.91 of 2022 in M.C. No.2 of 2020 on the file of the Family Court, Perambalur and set aside the same.

For Petitioner : Mr.R.Venkatesulu

For Respondents : Mr.C.T.Saravanan

O R D E R

The criminal revision case has been filed seeking to set aside the order dated 28.10.2022 passed in Crl.M.P.No.91 of 2022 in M.C.No.2



Crl.R.C.No.934 of 2023

of 2020 on the file of the Family Court, Perambalur.

2.The case of the petitioner is that the petitioner is the husband and the first respondent is the wife and the second respondent is their daughter. It is alleged that the petitioner neglected to maintain the respondents, thereby, the respondents filed maintenance case under Section 125 of Cr.P.C. in M.C.No.31 of 2014 before the Chief Judicial Magistrate, Perambalur and the same was transferred to the file of the the Family Court, Perambalur on 06.08.2020 and was re-numbered as M.C.No.2 of 2020 claiming a sum of Rs.35,000/- as monthly maintenance. The Family Court, Perambalur passed exparte order dated 16.03.2021 directing the petitioner to pay a sum of Rs.10,000/- (Rs.6,000/- to the first respondent and Rs.4,000/- to the second respondent) as monthly maintenance from the date of petition. Aggrieved by the same, the petitioner filed Crl.M.P.No.91 of 2022 seeking to set aside the exparte order dated 16.03.2021 and the said petition was dismissed on 28.10.2022. Challenging the same, the present revision has been filed.

3.The learned counsel for the petitioner submitted that this



CrI.R.C.No.934 of 2023

Court, without going into the merits of the case, may permit the petitioner to deposit the entire arrears amount to the credit of M.C.No.2 of 2020 on the file of the Family Court, Perambalur and on such deposit being made, this Court may direct the Family Court, Perambalur to set aside the exparte order dated 16.03.2021 and to restore M.C.No.2 of 2020 on file and allow the petitioner as well as the respondents to let in evidence and after adjudication, to pass orders in accordance with law.

4.The learned counsel appearing for the respondents raised no serious objection.

5.In view of the consent view expressed by the learned counsel appearing on either side, the order dated 28.10.2022 passed in CrI.M.P.No.91 of 2022 in M.C. No.2 of 2020 on the file of the Family Court, Perambalur is set aside on condition that the petitioner shall deposit the entire arrears amount to the credit of M.C.No.2 of 2020 on the file of the Family Court, Perambalur, less the amount if any, already deposited, within a period of four weeks from the date of receipt of a copy of this order. After the petitioner deposits the entire arrears amount, the Family Court, Perambalur, shall restore M.C.No.2



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Crl.R.C.No.934 of 2023

M.DHANDAPANI,J.
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of 2020 on its file and shall allow the petitioner as well as the respondents to let in evidence and shall dispose of M.C. No.2 of 2020 on merits and in accordance with law, within a period of twelve weeks thereafter.

6.This revision is allowed on the above terms. Consequently, the connected miscellaneous petition is closed.

03.04.2024

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

To

1.The Family Court, Perambalur.

Crl.R.C.No.934 of 2023
And
Crl.M.P.No.7584 of 2023

03.04.2024