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C.R.P.No.4861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2024

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THE HON'BLE JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.4861 of 2024
and C.M.P.No.27218 of 2024

1. Sambath
2. S.Rani

... Petitioners/Appellant/Petitioners

-VS-

Maheswari

... Respondent/Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to allow the Civil Revision Petition and set aside the order datd 27.09.2024 made in Crl.M.P.No.361 of 2024 in C.A.SR.No.1452 of 2021 on the file of the Principal District and Sessions Court, Chengalpattu

For Petitioners : Mr.P.Chandrasekar

ORDER

Challenging the order of the Appellate Court, directing the 1st revision petitioner to pay 50% of the accrued arrears of maintenance to the respondent / wife, this Revision Petition has been filed.

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2. The respondent / wife filed D.V.No.4 of 2016, seeking certain remedies as adumbrated under Sections 12 r/w 18 to 20, 22 and 23 of The Protection of Women from Domestic Violence Act, 2005 and after completion of the Trial, learned Judicial Magistrate, Additional Mahila Court, Chengalpattu directed the 1st revision petitioner to pay a sum of Rs.15,000/- per month to the wife as maintenance, in addition to payment of Rs.25,000/- towards litigation expenses. Challenging the said order, an appeal had been filed by the revision petitioners with a delay of 696 days and while allowing the application, the Appellate Court directed the 1st revision petitioner to deposit 50% of the accrued arrears of maintenance within two months, aggrieved by which, the instant petition has been filed.

3. Learned counsel for the revision petitioners submitted that the 1st revision petitioner is ready to deposit Rs.5,00,000/- immediately and on such deposit, the revision petitioners may be given a chance to contest the appeal on merits.



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4. Considering the onus nature of the submission made by the revision petitioners, this Court is of the view that 50% of the amount ordered to be paid by the Appellate Court comes to more than Rs.9 lakhs and this Court is inclined to reduce the amount in order to give a fair chance to the revision petitioners to canvass their case in appeal.

5. Accordingly, this Civil Revision Petition is partly allowed and the delay is condoned, on condition that the 1st revision petitioner shall deposit Rs.5,00,000/- before the I Appellate Court in lieu of payment of 50% of the accrued arrears, within a period of one month from today and on such deposit, the I Appellate Court shall take up the appeal, hear and dispose of the same within four months thereafter. Needless to mention here that the amount of Rs.5,00,000/- to be deposited by the 1st revision petitioner shall be withdrawn by the respondent / wife immediately without filing any formal application. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order
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