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Crl.RC.No.807 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.807 of 2024

Kuppan @ Kowshik

... Petitioner

-Vs-

1.M.Anandhi

2.K.Yuvashri

3.K.Sarveshwar

(2nd and 3rd petitioners are major represented
by 1st respondent/mother of the 2nd and 3rd
petitioners)

... Respondents

Prayer: Criminal revision is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to set aside the impugned order passed in M.P.No.16 of 2023 on 10.10.2021 in MC.No.247 of 2020 on the file of the learned V Additional Family Court in respect of the set aside petition in the ex-parte order passed in M.C.No.247 of 2020 dated 10.10.2022 Chennai.

For Petitioner : Mr.A.Venkatesan

For Respondent : Mrs.K.Rajamani



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ORDER

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The Criminal Revision is filed against the order in M.P.No.16 of 2023 in MC.No.247 of 2020 on the file of the learned V Additional Family Court, Chennai.

2. Learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 28.06.2012. Out the said wedlock, the respondent has blessed with two children viz., K.Yuvashri and K.Sarveshwar. Due to the matrimonial dispute between the petitioner/husband and the respondent/wife, the respondent filed a petition for maintenance and the same was taken on file in M.C.No.247 of 2020. The Family Court, vide order dated 10.10.2021, passed an exparte order by directing the petitioner to pay a sum of Rs.20,000/- to the respondent and to set aside the said exparte order, the petitioner had filed a petition in M.P.No.16 of 2023, in which, the learned Judge had directed the petitioner to pay a sum of Rs.3,000/- towards cost of the petition, to be paid to the respondent/wife on or before 07.07.2023, failing which, the petition shall stand dismissed. Challenging the same, the present petition has been filed.



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3. Learned counsel for the petitioner further submitted that the petitioner was suffering from a viral fever and therefore, he was unable to comply with the above said order. Thereafter, he immediately filed the extension of time petition and the same was returned. In view of non-compliance of the conditional order on 10.07.2023, the respondent had obtained exparte order by directing the petitioner to pay a sum of Rs.20,000/- to the respondent. The learned counsel on instructions, submitted that the petitioner is ready to pay a sum of Rs.10,000/- as maintenance in M.C.No. 247 of 2020 and he is also ready to pay the entire arrears of maintenance to the respondent within a period of four(4) weeks. The petitioner is also willing to pay a sum of Rs.10,000/- every month till the disposal of the maintenance case. If the petitioner paid entire arrears, this Court may direct the Family Court to restore the maintenance case and to give opportunity to the petitioner.

4. Learned counsel appearing for the respondent have no serious objection.



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5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the limited request made by the learned counsel for the petitioner, this Court is inclined to pass the following orders:

(i) The order in M.C.No.247 of 2020 on the file of the V Additional Family Court, Chennai dated 10.10.2021 is set aside:

(ii) The petitioner is directed to deposit the entire arrears of maintenance to the credit of MC.No.247 of 2020 within a period of four weeks from the date of receipt of a copy of this order;

(iii) the petitioner is directed to pay the maintenance amount of Rs.10,000/- (Rupees ten thousand only) to the respondents as ordered by the Family Court, regularly on or before 7th of every English calender month and

(iv) After perusal of such receipt, the Family Court shall restore the maintenance case and pass appropriate orders after providing opportunity to the petitioner and the



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respondent, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above terms and observations, the Criminal Revision Case is disposed of.

03.06.2024

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

To
The Judge,
V Additional Family Court,
Chennai.



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M.DHANDAPANI,J.

msv

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