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C.R.P.[NPD].No.5138 of 2024
and C.M.P.No.28805 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.[NPD] No.5138 of 2024
and C.M.P.No.28805 of 2024

S.Ramesh Shaneloi

.. Petitioner

Vs.

G.Kalpana

.. Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order dated 18.10.2024 passed by the Principal District and Session Judge, Coimbatore in Crl.M.P.No.1 of 2024 in D.V.A.No.574 of 2019.

For Petitioner : Mr.S.Vennila

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 18.10.2024 passed by the Principal District and Session Judge, Coimbatore in Crl.M.P.No.1 of 2024 in D.V.A.No.574 of 2019.



C.R.P[NPD].No.5138 of 2024
and C.M.P.No.28805 of 2024

WEB COPY

2. The petitioner and the respondent herein are the husband and wife.

The respondent filed DVA No.574 of 2019 against the petitioner and his family members before the Judicial Magistrate, Special Court to try cases filed under Protection of Women from Domestic Violence Act, Coimbatore, wherein, the petitioner and others were set *ex parte* and on 18.10.2024, the learned Judicial Magistrate while partly allowing the case in DVA No.574 of 2019, directed the petitioner to pay a sum of Rs.6,00,000/-. Aggrieved by the said order, the petitioner preferred an appeal and as there was delay of 340 days, he filed an application in Crl.M.P.No.1 of 2024 under Section 5 of the Limitation Act, seeking to condone the delay. The learned Magistrate, while ordering the said Miscellaneous Petition, directed the petitioner to deposit a sum of Rs.2,00,000/-, failing which, the petition would automatically dismissed. Aggrieved by the said order, the petitioner has come forward with the present Revision.

3.The learned counsel appearing for the petitioner would submit that



C.R.P[NPD].No.5138 of 2024
and C.M.P.No.28805 of 2024

the petitioner was unable to comply with the condition of depositing Rs.2,00,000/- as it is onerous one and would urge this Court to reduce the same.

4.Considering the submission now made by the learned counsel for the petitioner and taking note of the fact that there are various other proceedings vide C.C., M.C., H.M.O.P. And G.W.O.P. have been filed against the petitioner and the same are pending, this Court is inclined to modify the condition imposed by the learned Magistrate.

5.Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of D.V.A.No.574 of 2019, before the learned Judicial Magistrate within a period of two weeks from the date of receipt of a copy of this order. On such payment made by the petitioner, the learned Magistrate is directed to number the appeal after condoning the delay and proceed with the same in accordance with law. In case the petitioner fails to comply with the present modified order, the benefit granted under this order, will automatically cease to operate.



C.R.P[NPD].No.5138 of 2024
and C.M.P.No.28805 of 2024

WEB COPY

6. With the above observation, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2024

rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

The Principal District and Session Judge,
Coimbatore.



WEB COPY



C.R.P[NPD].No.5138 of 2024
and C.M.P.No.28805 of 2024



WEB COPY



C.R.P.[NPD].No.5138 of 2024
and C.M.P.No.28805 of 2024

N.SATHISH KUMAR, J.

rst

C.R.P.[NPD]No.5138 of 2024
and C.M.P.No.28805 of 2024

16.12.2024