



WEB COPY

C.RP(MD)No1483 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1483 of 2024

and

C.M.P(MD)No.8768 of 2024

1.T.Sathish Kumar
2.Thangaraj
3.Padmavathi

... Petitioners/Respondents/
Respondents/Respondents

Vs.

S.Keerthika

...Respondent/Petitioner/
Appellant/Petitioner

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 08.04.2024 passed by the Principal District and Sessions Judge, Trichy, in Cr.M.P.No.3394 of 2023 in CrI.A.S.R.No.7910/17.07.2023 against order dated 02.12.2022 made in D.V.C.No.66 of 2019 on the file of the Judicial Magistrate, Additional Mahila Judge, Trichy.

For Petitioners

:Mr.T.Leninkumar

ORDER

The Civil Revision Petition arises out of the order in CrI.M.P.No. 3394 of 2023 in CrI. A.SR.No.7910/17.07.2023, dated 08.04.2024.



2.By the said order, a delay of 192 days in filing the appeal is condoned. The wife had originally filed D.V.C.No.66 of 2019 and by an order, dated 02.12.2022, the trial Court had ordered the maintenance of Rs.5000/- per month.

3.The learned counsel appearing on behalf of the petitioners would submit that the entire arrears has been paid and the said maintenance, which was ordered by the trial Court is being duly complied with punctually. While so, there was no ground at all for the wife to have filed the appeal. As a matter of fact, the reason mentioned in the affidavit filed in support of the application is that there was settlement talks between the parties are absolutely false. When the appeal is belatedly filed by way of abuse or process of law, the appellate Court ought not to have condoned the said delay.

3.I have considered the said submissions made by the learned counsel for the petitioners.

4.While it may be true that the petitioners herein are duly and punctually complying with the order of the trial Court regarding the maintenance, the wife, if still aggrieved by the quantum of maintenance or



in respect of other grounds, is entitled to file an appeal. It is another thing to contend the same to be vexatious on merits. It would be open for the petitioners to raise such defence in the appeal.

5. Now as far as the present revision is concerned, it is a matter of condoning the delay of 192 days. When the trial Court, after considering the reasons mentioned in the affidavit filed in support of the application and after hearing the parties, has exercised its jurisdiction and condoned the delay, this Court does not see any compelling reason so as to interfere in the matter and accordingly, finding no merits, the civil revision petition is disposed of, however, giving liberty to the petitioners to raise all the grounds in the appeal. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2024

NCC:Yes/No

Ns

To

1. The Principal District and
Sessions Judge,
Trichy.

2. The Judicial Magistrate,
Additional Mahila Judge,
Trichy.



WEB COPY

C.RP(MD)No1483 of 2



D.BHARATHA CHAKRAVARTHY, J.

Ns

**C.R.P(MD)No.1483 of 2024
and
C.M.P(MD)No.8768 of 2024**

10.07.2024