



Crl.R.C.(MD).No.375 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD) No.375 of 2024

Arockiya Sebastian

... Petitioner/Respondent

Vs.

Karpaga Maruthammal

... Respondent/Petitioner

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order, dated 06.02.2023 in Crl.M.P. No.1703 of 2022 in M.C.No.7 of 2021 passed by the learned Judicial Magistrate, Alangulam, Tenkasi District and permit the petitioner herein to pay Rs.1,000/- to the respondent/Petitioner immediately and allow the above Criminal Revision Petition.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

For Respondent : Mr.C.Rathinavel Pandian



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ORDER

This Criminal Revision Case has been filed against the order, dated 06.02.2023 in Crl.M.P. No.1703 of 2022 in M.C.No.7 of 2021 passed by the learned Judicial Magistrate, Alangulam, Tenkasi District and permit the petitioner herein to pay Rs.1,000/- to the respondent/Petitioner immediately.

2. The respondent has filed an maintenance petition in M.C. No.7 of 2021 before the learned Judicial Magistrate, Alangulam, claiming maintenance of Rs.30,000/- from the petitioner. Initially the respondent herein appeared before the Court below, thereafter, he did not appeared. Hence, an exparte order was passed, vide order, dated 19.04.2022. Challenging the same, the petitioner has filed a petition in Crl.M.P.No.1703 of 2022 in M.C. No.07 of 2021 and the same was allowed on payment of cost of Rs.1,000/- to the respondent on or before 06.03.2023. Since, the said payment was not paid by the petitioner within the stipulated time, the said petition was dismissed. Challenging the same, the present revision has been preferred by the petitioner.



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3. The learned counsel for the petitioner would submit that the petitioner has not able to pay the cost within the stipulated time, that was imposed by the concerned trial Judge and hence, he seeks to set aside the order passed in Crl.M.P.No.1703 of 2022 in M.C.No.07 of 2021 in the interest of justice.

4. Per contra, the learned counsel for the respondent/wife would submit that the main petition is pending from the year 2021 and there is no merit in the revision and hence, he seeks dismissal of this revision.

5. This Court has considered the submissions made by both sides and perused records and impugned orders placed before this Court.

6. Admittedly, the exparte maintenance award was passed on 19.04.2022. Hence, the petitioner has filed the petition to set aside the said exparte order and the same was allowed on 06.02.2023 with cost of Rs.1,000/- to the respondent/wife. Since the said cost was not paid



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by the petitioner, the said petition was dismissed. Challenging the same, the present revision has been filed. Even though the learned counsel for the wife would submit that the petitioner is not inclined to co-operate with the proceedings in M.C.No.07 of 2021 pending on the file of the learned Judicial Magistrate, Alangulam, Tenkasi District, this Court in the interest of justice, is inclined to provide sufficient opportunity to the petitioner. Hence, the order passed in Crl.M.P.No.1703 of 2022 in M.C.No.07 of 2021, vide order dated 06.02.2023 is modified with the following terms;

(i) The petitioner is directed to pay Rs.10,000/- to the respondent/wife on or before **15.05.2024** and the proof of payment shall be submitted before the concerned trial Court. On receipt of the same, the learned Judicial Magistrate, Alangulam, Tenkasi District, is directed to continue the proceedings in M.C.No.07 of 2021 and complete the same within three months thereafter.



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7. With the above said directions, this Criminal Revision Petition is allowed and the order, dated 06.02.2023 in Crl.M.P.No. 1703 of 2022 in M.C.No.07 of 2021 passed by the learned Judicial Magistrate, Alangulam, Tenkasi District is hereby set aside.

23.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

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To

- 1.The learned Judicial Magistrate,
Alangulam, Tenkasi District.
- 2.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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