



*Crl.R.C(MD).Nos.1263 of 2023 and 716 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

Crl.R.C(MD)Nos.1263 and 2023 and 716 of 2024

in

Crl.M.P(MD).No.7433 of 2024

S.Ramachandran

... Petitioner  
in both Crl.R.Cs

Vs.

1.S.Irulayee  
2.Minor.Chithan  
3.Minor. R.Ammu

... Respondents  
in both Crl.R.Cs

(Minor respondents 2 and 3 are represented  
through their mother and Natural Guardian/  
first respondent)

**PRAYER in Crl.R.C(MD).No.1263 of 2023** : Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records relating to the impugned order passed in Crl.M.P.No.323 of 2022 in M.C.No.67 of 2021 on the file of the Family Court, Madurai, dated 12.09.2023 and to set aside the same as illegal.



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**PRAYER in Crl.R.C(MD).No.716 of 2024:** Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records relating to the impugned order in M.C.No.67 of 2021 on the file of the Family Court, Madurai, dated 19.11.2021 and to set aside the same as illegal.

For Petitioner : Mr.S.M.Kadhar  
(In both Crl.R.Cs)

For Respondents : Mr.S.Pandiyaraj  
(In both Crl.R.Cs)

### **COMMON ORDER**

Crl.R.C(MD).No.716 of 2024 has been filed challenging “the ex-parte maintenance award” passed in M.C.No.67 2021 on the file of the Family Court, Madurai, dated 19.11.2021.

2. The first respondent has filed a petition in Cr.M.P.No.323 of 2022 in M.C.No.67 of 2021 seeking for arrears of maintenance amount and the same was allowed. Challenging the above said order, petitioner has filed Crl.R.C(MD).No. 1263 of 2023.



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3. On the earlier occasion, the learned counsel for the petitioner submitted that the petitioner is ready to conduct the case on merits. Therefore, this Court to show his bonafide directed the petitioner to deposit a sum of Rs.1,00,000/- before the Family Court, Madurai and the same was duly complied with by the petitioner.

4. The learned counsel for the respondent has filed a counter affidavit and he disputed the liability of payment.

5. After hearing both side counsels, inorder to give an opportunity to the petitioner to contest the case on merits, this Court is inclined to set aside the exparte order dated 19.11.2021 passed in M.C.No.67 of 2021 on the file of the Family Court, Madurai. Accordingly, these Criminal Revision Cases are disposed of with the following directions:

(i) The Exparte order dated 19.11.2021 passed in M.C.No.67 of 2021 on the file of the Family Court, Madurai is set aside.

(ii) The petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees



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Three lakhs only) before the Family Court, Madurai within a period of two weeks from the date of receipt of a copy of this order in addition to the amount of Rs.1 Lakh already deposited. On receipt of the said amount, learned Judge, Family Court, Madurai is directed to restore the M.C.No.67 of 2021 and to disposed of the same within a period of three months from the date of above said deposit. In the event of failure to deposit the amount, the exparte order in Cr.M.P(MD) No. 323 of 2022 in M.C.No.67 of 2021 shall automatically be restored.

(iii) If any deposit has been made by the petitioner before the Family Court, Madurai, learned Judge is directed to disburse the same to the respondents. The petitioner is directed to pay a sum of Rs.15,000/- per month to the respondents till the disposal of the M.C.No.57 of 2021 without any failure. Consequently, the connected miscellaneous petition is closed.

**29.07.2024**

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

1. The Family Court, Madurai.
2. The Section Officer,  
Record Section (Criminal),  
Madurai Bench of Madras High Court, Madurai.



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**K.K.RAMAKRISHNAN, J.**

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in  
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