



CRP.No.1292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

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and

CMP.No.8678 of 2023

1. Balasamy
2. Vasantha ...Petitioners

Vs.

N.Salini ...Respondent

Civil Revision Petition filed under Section 227 of Civil Procedure Code to set aside the order passed in CrI.MP.No.3272 of 2021 in Unnumbered CrI.A.Sr.No.2742 of 2021 on the file of the Principal District & Sessions Judge at Thiruvallur, dated 21.11.2022.

For Petitioners : Mr.K.Balaji

For Respondent : Mr.M.J.Riaz Ahamed



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ORDER

The present civil revision petition is at the instance of the in-laws of the respondent, seeking to set aside the order dated 21.11.2022 passed in CrI.MP.No.3272 of 2021 in Unnumbered CrI.A.Sr.No.2742 of 2021 on the file of the learned Principal District and Sessions Judge at Thiruvallur.

2. The case of the petitioners is that admittedly the son of the petitioners, who is the husband of the respondent passed away and the Domestic violence proceedings has been taken against the revision petitioners and the learned Judicial Magistrate No.II, Poonamallee has passed an order under Section 12 of the Domestic Violence Act, directing the petitioners to pay a sum of Rs.3,000/- per months towards rent for residential accommodation of the respondent. The learned Judicial Magistrate has further taken note of the age of the petitioners and declined to award any compensation. However, unable to comply with the order passed under Section 12 of the Domestic Violence Act, the petitioners sought for extension of time and at the same time, they also



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filed an appeal challenging the said order. In the appeal, since there was a delay of 54 days in filing the appeal, an application under Section 5 of the Limitation Act has been filed and the said petition was allowed on condition that the petitioners pay a sum of Rs.24,000/- to the respondent on or before 12.09.2022. The petitioners did not comply with the said order and instead they filed CMP.No.3698 of 2022, seeking extension of time to comply with the said order and the said extension application was dismissed and the condone delay petition was also dismissed for want of compliance of the order directing payment of Rs.24,000/-. The said order is under challenge in the revision.

3. Learned counsel for the petitioners submits that the petitioners are aged about 78 years and 72 years respectively and the 1st petitioner is selling fruits in Sriperumbudur market and the petitioners are not possessed of any properties to pay even the portion of arrears.

4. Learned counsel for the respondent would submit that considering the fact that the respondent has two minor children to take care of and she is also a home maker, the learned Judicial Magistrate,



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despite not awarding any compensation, has ordered a meagre amount of Rs.3,000/- to be paid that too only towards rental accommodation, to ensure that the respondent and her minor children at least have a house to stay. Learned counsel further state that, as on date, the arrears of rental amount ordered by the trial court comes to around Rs.1,65,000/-.

5. I have heard the learned counsel on either side and I have also gone through the materials placed on record.

6. Considering the facts and circumstances of the case and also the advanced age of the petitioners and also demise of their son, this Court is inclined to allow this revision on condition that the petitioners pay 50% of the arrears amount in favour of the respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. On such payment being made by the petitioners, the delay shall stand condoned and the appeal shall be heard on merits and disposed of in accordance with law, after giving a fair opportunity to the parties.



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7. With the above observations and directions, this Civil revision petition stands allowed. No costs. Consequently, the connected Miscellaneous petition is closed.

16.10.2025

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

The Principal District and Sessions Judge,
Thiruvallur.



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P.B. BALAJI, J.
skt

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