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Crl.RC.No.1634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1634 of 2023

and

Crl.M.P.No.15412 of 2023

Rajesh

... Petitioner

Vs.

Vijayakumari

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to call for the records and set aside the order in Crl.M.P.No.36 of 2022 in M.C.No.8 of 2021 dated 18.08.2022 on the file of the Judicial Magistrate Court, Uthangarai, Krishnagiri District.

For Petitioner : Mr.G.Sekar

For Respondent : Not ready in notice



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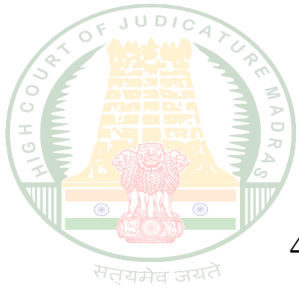
ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order in Crl.M.P.No.36 of 2022 in M.C.No.8 of 2021 dated 18.08.2022 on the file of the Judicial Magistrate Court, Uthangarai, Krishnagiri District.

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

3. The case of the petitioner is that the respondent filed the maintenance case in M.C.No.8 of 2021 before file of the Judicial Magistrate Court, Uthangarai, Krishnagiri District seeking maintenance. The said case was posted on 07.01.2022 for counter, whereas on the said date, the petitioner could not appear before the Court and file the counter. Therefore, the learned Magistrate passed ex-parte order against the petitioner. Against which, the petitioner filed a petition in Crl.M.P.No.36 of 2022 to set the ex-parte order. The said petitioner was allowed on condition directing the petitioner to pay a sum of Rs.5,000/- to the respondent. Aggrieved by the same, the petitioner has filed the present revision.



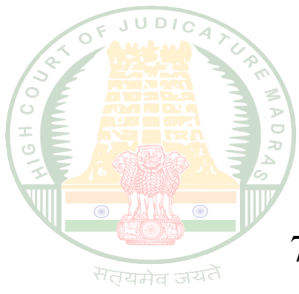
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4. Heard the learned counsel for the petitioner and perused the materials

available on record.

5. It is seen that the petitioner/husband remained ex-parte in the maintenance case proceedings in M.C.No.8 of 2021 on the file of the Judicial Magistrate Court, Uthangarai, Krishnagiri District, filed by the respondent/wife. Thereafter, the petitioner has filed a petition in Crl.M.P.No.36 of 2022 to set aside the ex-parte order by invoking Order 9 Rule 13 read with 151 C.P.C. The said petition has been allowed by the Magistrate on condition to pay a sum of Rs.5,000/- to the respondent. Now the petitioner is challenging only the said condition, but, the order passed in Crl.M.P.No.36 of 2022 dated 18.08.2022 is in the nature of interlocutory order. It is settled proposition of law that no revision would lie against interlocutory order.

6. Therefore, this Criminal Revision Case is **dismissed**. Consequently, the connected Miscellaneous Petition is closed.



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7. However, the petitioner is directed to pay the said amount and continue the maintenance case. Failing to comply with the said condition within a period of one month from the date of receipt of a copy of this order, the order passed by the Magistrate shall stand good.

8. In case the petitioner complies with the said condition, the Magistrate is directed to set aside the ex-parte order and proceed with the maintenance case and dispose of the same in accordance with law.

10.03.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
The Judicial Magistrate Court
Uthangarai, Krishnagiri District



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P.VELMURUGAN. J.

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