



Crl.RC.No.573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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1.R. Shobana

2.Minor Keerthivasan

... Petitioner

Versus

M. Rajasekaran

...Respondent

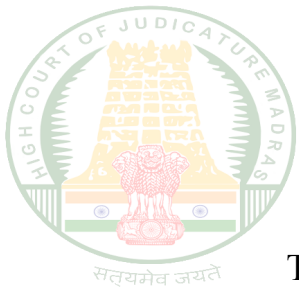
PRAYER: Criminal Revision is filed under Sections 397 and 401 of the Criminal Procedure Code, 1973, to call for the records in C.M.P.No.186 of 2025 in M.C.No.13 of 2020 on the file of the learned Magistrate No.1, at Arakkonam and allow the revision and set aside the order dated 17.03.2025 in C.M.P.No.186 of 2025 in M.C.No.13 of 2020 passed by the learned Judicial Magistrate No.1 at Arakkanam.

For Petitioner : Mr. R. Ganesh Kumar

For Respondent : Not ready in notice, No Appearance

ORDER

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The revision has been filed against the order dated 17.03.2025 passed in CMP.No.186 of 2025 in M.C.No.13 of 2020 on the file of the learned Judicial Magistrate No.1, Arakkonam, thereby allowed the petition seeking to condone the delay of 121 days in filing a petition to set aside the *ex parte* order passed in M.C.No.13 of 2020 dated 17.10.2024.

2. The first petitioner is the wife of the respondent herein, and out of their wedlock, they gave birth to the second petitioner herein. Due to misunderstandings, they got separated, and as such, the first petitioner could not maintain herself and her son. Therefore, the first petitioner filed a maintenance petition in M.C.No.13 of 2020, before the Judicial Magistrate No.1, Arakkonam, seeking monthly maintenance of Rs.30,000/- per month. Pending the petition, the first petitioner filed a revision in Crl.R.C.No.1411 of 2022, wherein, this Court, by order dated 15.04.2024 awarded a sum of Rs.5,000/- as monthly interim maintenance. Despite notice being issued in the maintenance petition, the respondent/husband failed to appear before the Trial Court, therefore, an *ex parte* order was passed on 17.10.2024, directing the respondent to pay a sum of Rs.7,500/- to the petitioners as monthly interim maintenance. Aggrieved by the same, the respondent



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preferred an application in CMP.No.186 of 2025, seeking to condone the delay of 121 days in filing a petition to set aside the *ex parte* order dated 17.10.2024 in M.C.No.13 of 2020 passed by the Trial Court, and the same was allowed on condition that the respondent shall pay a sum of Rs.20,000/- as costs, and thereafter, to proceed the trial by setting aside the *ex parte* order in M.C.No.13 of 2020. Hence, the first petitioner has filed the present revision before this Court.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. A perusal of the records shows that the petitioner had filed an application in CMP.No.3290 of 2024 for arrears of interim maintenance. During the pendency of said application, the respondent/husband filed a petition in CMP.No.186 of 2025 for condoning the delay of 121 days in filing the petition to set aside the *ex parte* order dated 17.10.2024 in M.C.No.13 of 2020, without considering the earlier application filed by the petitioner, which was allowed by the Trial Court vide order dated 17.03.2025.



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5. In view of the above, this Court directs the Trial Court to dispose of the petition in CMP.No.3290 of 2024, seeking arrears of maintenance filed by the first petitioner/wife, and thereafter, proceed with the trial.

6. With the above direction, this Criminal Revision Case is disposed of.

19.08.2025

Index: Yes/No
Speaking/Non-Speaking Order
Neutral Case Citation ; Yes/No

klt

To

1.The Judicial Magistrate No.1, Arakkonam.

G.K.ILANTHIRAIYAN, J.



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