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CRP.Nos.2262 & 2290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.Nos.2262 & 2290 of 2025 &

CMP.No.13104 of 2025

A.Abbas

.. Petitioner in both CRPs

Versus

1. A.Vahitha Banu

2. Mubarak Nisha

.. Respondents in both CRPs

Prayer in CRP.No.2262 of 2025 :- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the cost Order dated 08.04.2025 passed by the learned I Additional District and Sessions Judge, Tiruppur in Crl.M.P.No.1452 of 2023 in unnumbered Criminal Appeal against DVC.No.4 of 2015 and to direct the learned I Additional District and Sessions Judge, Tiruppur to number the appeal filed against the DVC.No.4 of 2015.

Prayer in CRP.No.2990 of 2025 :- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the Order dated 11.06.2025 passed by the learned I Additional District and Sessions Judge, Tiruppur in Crl.M.P.No.1452 of 2023 in unnumbered Criminal Appeal



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against DVC.No.4 of 2015 and condone the delay of 1796 days in filing the appeal and to direct the learned I Additional District and Sessions Judge, Tiruppur to number the appeal filed against the DVC.No.4 of 2015.

For Petitioner : Mr.S.Sudhanthiran
for Mr.M.Navas shareef [in both CRPs]

For Respondents : Mr.M.K.Viswanath – R1 [in both CRPs]

COMMON ORDER

Challenging the Order of the trial Court imposing cost of Rs.50,000/- to each of the respondents, while allowing the application to condone the delay of 1786 days in filing an appeal as against the Order passed in DVC.4 of 2015 dated 29.06.2018.

2. Initially a Domestic Violence Case has been initiated by the first respondent as against the petitioner in DVC.No.4 of 2015 wherein the judicial Magistrate has directed the revision petitioner to pay a sum of Rs.6000/- per month to the respondents towards maintenance. As against which the revision petitioner has preferred an appeal and the same has been returned and not represented in time. In the meanwhile, the petitioner was arrested for failure to pay maintenance and he was in judicial custody from



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05.01.2023 and he was set free on 19.01.2023 and again he was arrested on 16.03.2023 and he was set free on 02.05.2023. Therefore, he had preferred an appeal along with an application to condone the delay of 1786 days in preferring the appeal. The appellate Court has in fact allowed the application subject to payment of Rs.50,000/- to each of the respondents. As the petitioner had not paid the amount, the application has been dismissed. Challenging the same, the present Civil Revision Petitions have been filed.

3. The marriage of the petitioner and the first respondent took place in the year 1998 and divorce petition has been filed in the year 2001 in which an exparte Order has been obtained by the petitioner. Thereafter, he had remarried and after remarriage, he was also prosecuted for the offences under section 498[A] read with 109 of Indian Penal Code, which also ended in acquittal later. The Domestic Violence Case ended in the year 2018 against the petitioner and cost has been imposed by the appellate Court in the application filed to condone the delay of 1786 days in preferring the appeal.

4. In view of the above facts and circumstances, these Civil Revision Petitions are allowed and the Order of the appellate Court in



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CrI.M.P.No.1452 of 2023 is modified to the effect that the petitioner shall pay a sum of Rs.20,000/- [Rupees twenty thousand only] to each of the respondents, [total amount Rs.40,000/-] on or before 25.08.2025. On such payment, the I Additional District Judge, Tiruppur shall number the appeal and dispose the same on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

06.08.2025

Internet : Yes
Speaking order / Nonspeaking order
Neutral Citation : Yes/No
vrc

To

1. The I Additional District and Sessions Judge, Erode
2. The Section Officer
VR Section, Madras High Court



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N.SATHISH KUMAR, J.

VRC

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