



Crl.R.C.No.1168 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1168 of 2025

S.Devendarakumar

..... Petitioner

Vs

1.D.Gokila

2.Minor D.Durga

3.Minor D.Prakadeesh

..... Respondents

PRAYER: Criminal Revision Case is filed under Sections 438 & 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to allow the above Criminal Revision and set aside the order and final order dated 27.08.2024 made in C.M.P.No.55 of 2024 in M.C.No.114 of 2021 on the file of the Additional Principal Family Judge, Coimbatore.

For Petitioner : Mr.O.S.Thilak Pasumbadiyar

For Respondents : Mr.K.Sudhakar

ORDER

This Criminal Revision Case has been filed challenging the order dated 27.08.2024 passed in C.M.P.No.55 of 2024 in M.C.No.114 of 2021 by the Additional Principal Family Judge, Coimbatore, thereby dismissing the petition filed by the petitioner to condone the delay of 186



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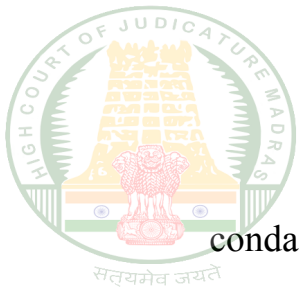
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days in filling a petition to set aside the ex-parte order dated 22.05.2023 made in M.C.No.114 of 2021 on the file of the Additional Principal Family Court, Coimbatore.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the husband of the first respondent. Out of their wedlock, the second and third respondents were born. The marriage between the petitioner and the first respondent was a love marriage and both belonged to different communities. Subsequently, due to misunderstandings, they got separated. Thereafter, the respondents were not able to maintain themselves and filed a petition seeking maintenance. Though notice was served on the petitioner in the said maintenance case, he failed to appear before the Trial Court. Therefore, he was set ex-parte and by an order dated 22.05.2023, the Trial Court directed the petitioner to pay maintenance of Rs.15,000/- per month to the first respondent and Rs.5,000/- each to the second and third respondents towards maintenance.

4. Thereafter, the petitioner filed a petition seeking

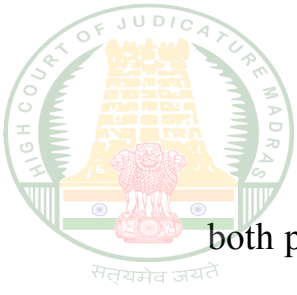


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condonation of delay of 186 days in filing the petition to set aside the ex-parte order. However, the petitioner failed to assign any sufficient reason for the said delay. Therefore, the petition was dismissed by the Trial Court. Aggrieved by the same, the present revision has been filed.

5. In view of the above facts and circumstances, this Court is of the considered opinion that one more opportunity may be given to the petitioner to put forth his case. Therefore, this Court is inclined to interfere with the order passed by the Trial Court.

6. In the result, the order dated 27.08.2024 passed in C.M.P.No.55 of 2024 in M.C.No.114 of 2021 by the Additional Principal Family Judge, Coimbatore, is hereby set aside. Accordingly, this Criminal Revision Case is allowed on condition that the petitioner shall deposit a sum of Rs.3,00,000/- directly to the respondents within a period of two weeks from the date of receipt of a copy of this order. The petitioner shall also continue to pay maintenance of Rs.15,000/- per month to the first respondent and Rs.5,000/- each to the second and third respondents till the disposal of the maintenance case. The Trial Court is directed to dispose of the maintenance case, after giving an opportunity to



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both parties to adduce evidence, within a period of three months from the date of receipt of a copy of this order.

23.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

The Additional Principal Family Judge,
Coimbatore.

G.K.ILANTHIRAIYAN, J.



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