



Crl.M.P.No.20164 of 2025 in Crl.R.C.No.1129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM:

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

Crl.M.P.No.20164 of 2025
in Crl.R.C.No.1129 of 2025

V.Pravina

... Petitioner

Vs

Anandha

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023, to Recall the order dated 18.08.2025 passed in Crl.R.C.No.1129 of 2025.

For Petitioner : M/s Nathan and Associates

For Respondent : Mr.C.S.S.Pillai

ORDER

This Criminal Miscellaneous Petition has been filed to recall the order dated 18.08.2025 passed in Crl.R.C.No.1129 of 2025, on the ground that the order was passed in the absence of the learned counsel for the petitioner.



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

3. The learned counsel for the petitioner raised grounds that the maintenance case filed by the petitioner was dismissed on the ground that the petitioner was living in an adulterous relationship. The respondent filed a petition for divorce on the ground of adultery and obtained an exparte decree of divorce. After coming to the knowledge of an exparte divorce decree, the petitioner filed a petition to set aside the exparte decree along with a petition to condone the delay. The condone delay petition was allowed and aggrieved by the same, the respondent herein filed a revision before this Court and it was allowed and remanded the condone delay petition for fresh consideration before the Trial Court. Now, the condone delay petition in setting aside the exparte decree in the divorce petition is pending before the Trial Court.

4. Therefore, it is clarified that if the petitioner succeeds before the Family Court in the divorce petition filed by the respondent on the ground of adultery, the petitioner is at liberty to file a fresh petition seeking



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maintenance, in accordance with law.

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5. Accordingly, this Criminal Miscellaneous Petition is disposed of.

19.11.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

mn



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G.K.ILANTHIRAIYAN. J,

mn

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