



Crl.R.C.No.2173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2173 of 2024
and Crl.M.P.No.17116 of 2024

D.Madhavan

... Petitioner

Vs.

Sangeetha

... Respondent

PRAYER: Criminal Revision Case filed under Section 438 & 442 of B.N.S.S, 2023, seeking to set aside the order passed by the I Additional Principal Family Court at Chennai in Crl.M.P.No.696 of 2024 in M.C.No.485 of 2021 dated 25.10.2024.

For Petitioner : Mr.S.Esakkimuthu

For Respondent : Mr.A.Mohan

ORDER

The revision challenges the order passed by the Additional Family Court directing the petitioner to pay a cost of Rs.2,500/- as condition for



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setting aside the order by which the petitioner was set exparte.

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2.The learned counsel for the petitioner would submit that he is not aggrieved by the order, but he could not pay the cost because he fell ill. Therefore, the petitioner may be given an opportunity to contest the case on merits.

3.The learned counsel for the respondent submitted that though the maintenance case was filed in the year 2021, the petitioner has been delaying the disposal of the petition and the respondent is living in poverty.

4.Admittedly, no order has been passed awarding maintenance to the respondent so far. The petitioner was set exparte on 22.12.2022. It is also seen that the petitioner has filed his counter. Since the petitioner has not complied with the conditional order, this Court is of the view that the cost imposed on the petitioner has to be enhanced to Rs.20,000/- payable to the respondent within a period of two (2) weeks from the date of receipt of the



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order, failing which this Crl.R.C.No.2173 of 2024 shall stand dismissed without further reference to the Court. On such payment, the impugned order shall be set aside. Thereafter, considering the fact that the petition is pending from 2021 and the counter has also been filed by the petitioner, the trial Court may decide the case as expeditiously as possible.

5.This Criminal Revision Case stands ordered accordingly.
Consequently, the connected miscellaneous petition is closed.

27.01.2025

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To

1. I Additional Principal Family Court
Chennai



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SUNDER MOHAN, J.

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