



WEB COPY



Crl.R.C.No.2163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2163 of 2024

and

Crl.M.P.No.17034 of 2024

1.R.Sujatha

2.S.Sai Lakshmi

Minor rep. by Mother R.Sujatha

... Petitioners

Vs.

P.Selva Kumar

...Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to call for records of M.P.No.460 of 2024 in M.C.No.593 of 2015 pending before the II Additional Family Court at Chennai and set aside the order dated 03.10.2024 in M.P.No.460 of 2024 in M.C.No.593 of 2015 passed by the II Additional Family Court at Chennai.

For Petitioners : Mr.Thanga Vadhana Balakrishnan

For Respondent : Mr.S.Subramaniya



Crl.R.C.No.2163 of 2024

ORDER

WEB COPY

The revision challenges the order passed by the learned II Additional Principal Judge, Family Court, Chennai in M.P.No.460 of 2024 in M.C.No.593 of 2015 setting aside the *ex-parte* order of maintenance passed against the respondent herein.

2.The petitioner and her daughter filed M.C.No.593 of 2015 seeking maintenance from the respondent. Though the respondent participated in the proceedings, since he did not cross examine the witnesses, an *ex-parte* order was passed directing him to pay a sum of Rs.25,000/- per month to the petitioners from the date of petition. Admittedly, the respondent had paid a sum of Rs.1,50,000/- earlier. The grievance of the petitioners is that the respondent has been delaying the proceedings, as a result of which, the petitioners are deprived of their monthly maintenance since 2015 and hence, the impugned order setting aside the *ex-parte* order of maintenance cannot be sustained.



Crl.R.C.No.2163 of 2024

WEB COPY

3.The learned counsel on either side would submit that the witnesses have been examined in M.C.No.593 of 2015 pursuant to the impugned order and the witnesses examined on the side of the petitioners were cross examined by the respondent and the witnesses examined on the side of the respondent is yet to be cross examined by the petitioners.

4.Considering the stage of the case and the fact that an opportunity has to be given to the respondent to contest the case on merits, this Court is of the view that the impugned order deserved to be confirmed. However, considering the fact that apart from the payment of Rs.1,50,000/- to the petitioners, no other payment has been made from 2015, this Court is of the view that the respondent can be directed to pay a sum of Rs.1,50,000/- within a period of four weeks from the date of receipt of a copy of this order towards arrears of maintenance, failing which, the impugned order passed by the learned II Additional Principal Judge, Family Court, Chennai shall stand set aside.



Crl.R.C.No.2163 of 2024

WEB COPY

5.The Criminal Revision Case is ordered accordingly.

Consequently, the connected Criminal Miscellaneous Petition is closed.

21.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

rsi

To

1.The II Additional Principal Judge,
Family Court, Chennai.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.2163 of 2024

SUNDER MOHAN, J.

rsi

Crl.R.C.No.2163 of 2024
and
Crl.M.P.No.17034 of 2024

21.01.2025