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Crl.R.C.No.2234 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2234 of 2024

and

Crl.M.P.No.17491 of 2024

B.Saravanan

... Petitioner

Vs.

S.Sowmiya

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to set aside the order in M.P.No.673 of 2024 in M.C.No.360 of 2023 passed by the I Additional Principal Judge, I Additional Principal Family Court, Chennai dated 22.10.2024 by allowing the above criminal revision petition.

For Petitioner : Mr.M.Boopathy

For Respondent : Ms.U.Priyadarsini

ORDER

The revision challenges the order passed in M.P.No.673 of 2024 refusing to grant extension for payment of cost of Rs.3,000/- to set aside the *ex-parte* order in M.C.No.360 of 2023 dated 08.02.2024.



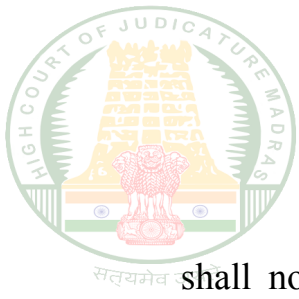
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2.The learned counsel for petitioner would submit that the reason for not paying the cost within the stipulated time is neither willful nor wanton and that he would file his counter and would participate in the trial and prayed for setting aside the impugned order.

3.Ms.U.Priyadarsini, learned counsel for respondent would submit that the petitioner is delaying the proceedings and thereby denying the maintenance payable to the respondent and hence the petition may be allowed on stringent condition.

4.When the matter came up for admission, this Court had directed the petitioner to deposit a sum of Rs.3,000/-, which was not deposited on time earlier. It is now reported that the petitioner had deposited the said amount. This Court, therefore is of the view that one more opportunity can be given to the petitioner to contest the case on merits. However, the petitioner



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shall not delay the proceedings in any manner. In view of the same, the impugned order passed in M.P.No.673 of 2024 in M.C.No.360 of 2023 dated 22.10.2024 is set aside. The petitioner shall file his counter within a period of four weeks from the date of receipt of a copy of this order and the learned I Additional Principal Judge, I Additional Principal Family Court, Chennai may thereafter consider the maintenance case in accordance with law and dispose of the case as expeditiously as possible.

5. With the above observations, the Criminal Revision Case is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

06.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

rsi

To

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

2.The Public Prosecutor,
High Court, Madras.

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and

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