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Crl.O.P.No.31238 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31238 of 2025
and Crl.M.P.No.21493 of 2025

A.Vignesh Prabhu

... Petitioner

Vs.

V.Umamaheswari

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Cr.P.C., to set aside the docket order dated 17.07.2025 made in Crl.M.P.No.83 of 2025 in M.C.No.43 of 2024 on the file of the Principal Family Judge Court, Coimbatore.

For Petitioner : Mr.G.Sujith

ORDER

The present Criminal Original Petition has been filed seeking to set aside the docket order passed in C.M.P.No.83 of 2025 in M.C.No.43 of 2024 dated 17.07.2025.

2. The submissions of the learned counsel appearing for the



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petitioner are as follows :-

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2.1. The petitioner is the husband of the respondent. The respondent/wife has filed M.C.No.43 of 2024 before the Principal Family Court, Coimbatore.

2.2. When the matter was listed on 15.02.2025, the petitioner appeared before the Court in the forenoon. However, due to his sudden illness, he was unable to appear in the afternoon and thereby, he was set ex-parte.

2.3. Aggrieved by the same, the petitioner filed a petition in C.M.P.No.83 of 2025. On 16.05.2025, the trial Court passed a conditional order directing the petitioner to deposit a sum of Rs.2 lakhs as an interim measure on or before 16.06.2025. Since the costs imposed on the petitioner were exorbitant, he was unable to deposit the said amount and even before the petitioner could file an application seeking modification of the condition time, the learned trial Judge, by a docket order dated 17.07.2025, dismissed the petition.

2.4. The petitioner is ready to co-operate for speedy disposal of M.C.No.43 of 2024. Therefore, he seeks modification of the condition imposing exorbitant costs.

3. Having heard the learned counsel appearing for the petitioner



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and upon perusing the materials available on record, this Court is of the opinion that the conditional order directing the petitioner to deposit a sum of Rs.2 lakhs to set aside the ex-parte order is exorbitant. Accordingly, the order passed by the learned trial Judge on 16.05.2025 as well as the subsequent docket order dated 17.07.2025, is set aside, on the condition that the petitioner deposits a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the trial Court within a period of **one week** from the date of receipt of a copy of this order. The petitioner shall also file an Affidavit of Undertaking stating that he will co-operate for the speedy disposal of M.C.No.43 of 2024 without seeking any unnecessary adjournment.

4. Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

17.11.2025

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Neutral Citation: Yes/No

To
The Principal Family Judge Court, Coimbatore.



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A.D.JAGADISH CHANDIRA, J.

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