



WEB COPY

CRL RC No. 2702 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL RC No. 2702 of 2025
and CRL MP No.23640 of 2025**

1. S.Alagappan
S/o.Mr.Solaimalai, No.16/3, Santham
Colony, Anna Nagar West Extn,
Chennai-60 0001.

Petitioner(s)

Vs

1. KALAIVANI
F-304, The Metrozone, No.44, Pillayar
Koil street, Anna Nagar West,
Chennai-600 101.

2.A.Mirdhula
D/o.S.Alagappan, F-304, The
Metrozone, No.44, Pillayar koil Street,
Anna Nagar West, Chennai-600 101.

3.A.Nethraa
D/o.S.Alagappan, F-304, The
Metrozone, No.44, Pillayar koil Street,
Anna Nagar West, Chennai-600 101.

4.A.Samritha
D/o.S.Alagappan, F-304, The
Metrozone, No.44, Pillayar koil Street,
Anna Nagar West, Chennai-600 101.
(Respondent No.3 and 4 represented by
their Mother, Mrs.Kalaivani D/o.Balu)

Respondent(s)

**PRAYER**

Criminal Revision Case is filed under Section 438 read with 442 of BNSS to set aside the order in Crl.M.P.No.1341 of 2025 in M.C.No.123 of 2022 dated 23.09.2025, pending on the file of the II Additional Principal Family Judge, Chennai.

For Petitioner(s): M/s.Agd Bala Kumar

ORDER

The criminal revision has been filed challenging the order passed in Crl.M.P.No.1341 of 2025 dated 23.09.2025, wherein the petitioner's application seeking to set aside the ex-parte order in M.C.No.123 of 2022 was allowed on the condition that the petitioner shall deposit the arrears of maintenance of Rs.5,75,000/- and pay costs of Rs.3,000/- to District Legal Services Authority (DLSA), Chennai.

2. The learned counsel for the petitioner would submit that the petitioner's non-appearance before the trial Court is neither wilful nor wanton; that he was suffering from health issues; and that the learned Judge ought not to have imposed an onerous condition for setting aside the ex-parte order.

3. This Court had perused the impugned order.

4. It is not the case of the petitioner that he was unaware of the proceedings. The petitioner had participated in the proceedings, and after filing his counter, failed to appear for the purpose of enquiry. He had chosen not to



cross-examine the respondents herein and thereafter remained ex-parte. He has also not let in any evidence to show that he was suffering from a health issue which incapacitated him from appearing before the learned Judge. Therefore, this Court is of the view that the learned Judge was right in imposing the condition that is now sought to be challenged before this Court. Since no infirmity is found in the impugned order, this Court is not inclined to interfere with the impugned order.

5. Accordingly, the criminal revision case is dismissed. Connected miscellaneous petitions, if any, shall stand closed.

10-12-2025

dpa
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

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1. II Additional Principal Family Judge, Chennai.

2.KALAIVANI

F-304, The Metrozone, No.44, Pillayar
Koil street, Anna Nagar West,
Chennai-600 101.

3.A.Mirdhula

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SUNDER MOHAN J.

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