



C.R.P(MD)No.786 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.04.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.786 of 2025

1.Natarajan

2.Palanisamy

3.Chithra

... Petitioners

Vs.

Govindammal

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in Crl.M.P.No.276 of 2024, dated 18.06.2024 in unnumbered Crl.A.S.R.No. of 2023 on the file of the learned District Judge, Karur as against the order in D.V.C.No. 20 of 2018 on the file of the learned Judicial Magistrate No.I, Kulithalai, Karur District, dated 21.09.2023 and allow this Civil Revision Petition and pass such other or further orders as this Court.

For Petitioners : Mr.S.Deenadhayalan

For Respondent : Mr.S.Nagarajan



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ORDER

The appellants in unnumbered Criminal Appeal SR Number has filed the present revision petition challenging the imposition of deposit of 50% of the maintenance amount as a condition precedent for condoning the delay of 1282 days in preferring the appeal.

2. According to the learned Counsel appearing for the revision petitioners, the Trial Court has passed the order in D.V.C.No.20 of 2018 on 21.09.2023. The copies were made ready on 20.11.2023. The appeal ought to have been filed on 20.12.2023. However, the appeal came to be filed on 22.12.2023. Hence, there was a delay of only 3 days in preferring the appeal. However, the Trial Court has mistakenly noted it as a delay of 1282 days. While allowing the condone delay application, the Appellate Court has directed the first revision petitioner to deposit a sum of Rs.3,15,000/- [50% of the arrears of the maintenance amount]. Challenging the said condition, the present revision petition has been filed.



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3. According to the learned Counsel appearing for the revision petitioners, when the delay is just 3 days, such a onerous condition ought not to have been imposed upon the revision petitioner. He further contended that the first revision petitioner is a Carpenter and he is not in a position to deposit the said amount.

4. Per contra, the learned Counsel appearing for the respondent / wife submitted that both the children are mentally challenged persons and so far, the husband has not paid a single pie towards maintenance, despite the orders passed by the Trial Court.

5. Considering the above said facts, this Court is inclined to pass the following order:

"a) The order impugned in the revision petition is set aside. The Appellate Court is directed to number the appeal and dispose of the same on merits and in accordance with law.

b) The first revision petitioner is directed to pay a sum of Rs.1,00,000/- to the respondent / wife on or before 31.05.2025. Another sum of Rs.1,00,000/- shall be paid on



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or before 30.06.2025.

c) *The interim order passed by this Court shall continue to operate till the disposal of the appeal. The proceedings initiated by the wife under Section 31 of Act 43 of 2005, the Protection of Women from Domestic Violence Act, shall be kept in abeyance till 30.06.2025.*

d) *The first revision petitioner shall pay monthly maintenance amount of Rs.7,000/- from April, 2025 onwards till the disposal of the appeal."*

6. This Civil Revision Petition stands partly allowed as stated above. There shall be no order as to costs.

17.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The District Judge,
Karur.

2.The Judicial Magistrate No.I,
Kulithalai,
Karur District.

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R.VIJAYAKUMAR, J.

BTR

Order made in
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