



CRL RC(MD)No.677 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.677 of 2025

K.Kumar

... Petitioner / Petitioner / Respondent

Vs.

1.Sarasulakshmi

2.Minor.Banu,

(Minor 2nd respondent represented
through her mother and natural
guardian the 1st respondent)

... Respondents / Respondents /
Petitioners

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the impugned order passed by the learned Judicial Magistrate (FAC), Melur, in CrI.M.P.No.2316 of 2024 in M.C.No.12 of 2012 dated 24.03.2025 and set aside the same and consequently direct the learned Judicial Magistrate, Melur, to afford a reasonable opportunity to the petitioner to defend the case and decide the same on merits.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.R.Shankar Ganesh



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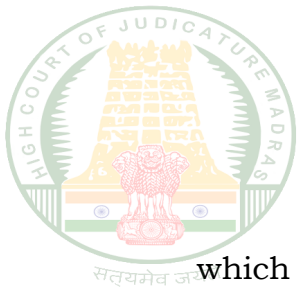
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ORDER

Challenging the learned Judicial Magistrate (FAC), Melur, in Crl.M.P.No.2316 of 2024 in M.C.No.12 of 2012 dated 24.03.2025, this Criminal Revision case is filed.

2. The petitioner is the husband, the 1st respondent is the wife and the 2nd respondent is the minor child of the petitioner and the 1st respondent. The 1st respondent filed a maintenance case in M.C.No.12 of 2012 before the learned Judicial Magistrate, Melur, in which, the said case was set *ex-parte* as against the petitioner herein by passing an order of maintenance, directing the petitioner to pay a monthly maintenance Rs.10,000/- (Rupees Ten Thousand only) per month and as such there is a huge arrears to the tune of Rs.5,00,000/- (Rupees Five Lakhs only) approximately.

3. While being so, the petitioner herein has filed a petition to set aside the *ex-parte* order dated 12.02.2014 along with the condone delay petition in Crl.M.P.No.2316 of 2024 to condone the delay of nearly 12 years to set aside the *ex-parte* order dated 12.02.2014. The reason



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which was put forth by the learned counsel for the petitioner in the said condone delay petition is that the petitioner was suffering from Jaundice for 12 long years and had been undergoing treatment at Kerala, that was the only reason for the delay to file a petition to set aside the *ex-parte* order for the past 12 years.

4. That apart, the learned counsel for the petitioner also contended that the learned trial Court had wrongly observed that the petition filed by the petitioner is bereft of details as to when he recovered from the alleged disease of Jaundice and how long he underwent treatment and that it is not believable that the petitioner has undergone treatment for Jaundice for 12 long years. Challenging the same, this Criminal Revision case is filed.

5. Heard the learned counsels on either side and carefully perused the materials available on record.

6. Of course, this Court wonders whether the petitioner has liver at all after having suffered Jaundice for 12 long years. Hence, I don't find any infirmity in the order passed by the learned Trial Court and



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accordingly the Criminal Revision case fails and the same is dismissed.

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No costs.

28.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Judicial Magistrate (FAC),
Melur.



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L.VICTORIA GOWRI, J.,

Sml

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