



*Crl.R.C.(MD)Nos.1373 & 1374 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2025

CORAM

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

Crl.R.C.(MD)Nos.1373 & 1374 of 2024

and

Crl.M.P(MD)No.13927 of 2024

K.Saravanan

... Petitioner/Petitioner/  
Respondent  
(In both cases)

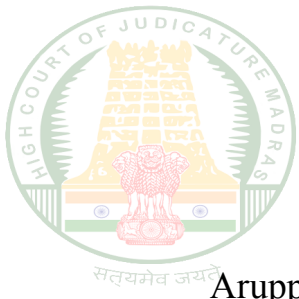
Vs.

1.Balasaraswathy  
2.Minor.Karthikadevi  
3.Minor.Rajeshkumar

... Respondents/Respondents/  
Petitioners  
(In both cases)

**Prayer in Crl.R.C(MD)No.1373 of 2024** : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for records and set aside the order, dated 25.10.2024 passed in Crl.M.P.No.447 of 2024 in M.C.No.21 of 2023 on the file of the learned Judicial Magistrate Court, Aruppukkottai, Virudhunagar District.

**Prayer in Crl.R.C(MD)No.1374 of 2024:** : Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for records and set aside the order, dated 25.10.2024 passed in Crl.M.P.No.448 of 2024 in M.C.No.21 of 2023 on the file of the learned Judicial Magistrate Court,



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Aruppukkottai, Virudhunagar District.

In both cases:

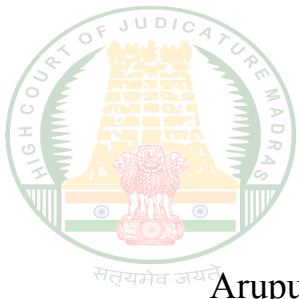
For Petitioner : Mr.S.Vishnuvardhan

For Respondent : Mr.M.Jothibasu

### **COMMON ORDER**

Crl.R.C(MD)Nos.1373 & 1374 of 2024 have been filed challenging the orders passed by the learned Judicial Magistrate, Arupukkottai, Virudhunagar District in Crl.M.P.Nos.447 and 448 of 2024 in M.C.No.21 of 2023 rejecting the application filed under Section 5 of Limitation Act seeking to condone the delay of 118 days in setting aside the ex parte order and the application filed under Section 126(3) setting aside the ex parte order, dated 02.01.2024, by which a monthly maintenance of Rs.10,000/- was ordered to be paid by the petitioner herein to the respondents.

2. While challenging the said order, on the direction of this Court, the petitioner has already paid 50% of the total arrears of maintenance to the credit of M.C.No.21 of 2023 on the file of Judicial Magistrate,



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Arupukkottai, Virudhunagar District and the respondents have filed a petition to withdraw the same directing the learned Judicial Magistrate, Arupukkottai, Virudhunagar District to permit the respondents to withdraw the said amount.

3. Considering the fact that the order of maintenance in M.C.No.21 of 2023 came to be passed without giving an opportunity of hearing to the petitioner, the orders passed by the Judicial Magistrate, Arupukkottai, Virudhunagar District in Crl.M.P.Nos.447 and 448 of 2024 in M.C.No. 21 of 2023, dated 25.10.2024 are set aside. The matter is remanded back to the Judicial Magistrate, Arupukkottai, Virudhunagar District for fresh adjudication with a direction to pass orders after giving due opportunity of hearing to the petitioner herein. Further, it is made clear that until the disposal of M.C.No.21 of 2023, there shall be no modification to the order of maintenance passed by the Judicial Magistrate, Arupukkottai, Virudhunagar District. The Judicial Magistrate, Arupukkottai, Virudhunagar District is directed to dispose of M.C.No.21 of 2023 within a period of six(6) months from the date of receipt of copy of this order.



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4. With the above directions, both the Criminal Revision Cases stand disposed of. Consequently, connected Miscellaneous Petition is closed.

**20.06.2025**

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

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To

The Judicial Magistrate,  
Arupukkottai,  
Virudhunagar District.



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**L.VICTORIA GOWRI ,J.**

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Order made in  
Crl.R.C.(MD)Nos.1373 & 1374 of 2024

Dated: 20.06.2025