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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 15140 of 2026

CNR:{HCMA011062562026}

M. Mansoor
S/o. Mohamed Abdula,
Asian Optical,
662, Vasuki 1st Street,
Brough Road,
Erode.

Case QR

..Petitioner(s)

Vs

1. Kursith Banu
   D/o. Mohamed Hanifa,
   Lakshmi Garden Main Road,
   Rangapalayam Post,
   Erode.

2. Ijash Abdulla
   S/o. Mansoor,
   Lakshmi Garden Main Road,
   Rangapalayam Post,
   Erode.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the conditional order to deposit a sum of Rs.2,90,000/- in the court of the Judicial Magistrate, Additional Mahila Court, Erode as partial arrears towards the total arrear of maintenance amount of Rs.5,80,000/- vide order dated 20.11.2025 made in M.P.No.1 of 2025 in Unnumbered C.A.in C.F.R.No.11861 of 2025 on the file of the Principal Sessions Judge, Erode.

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For Petitioner(s): Mr.S.Arunprasath
For Respondent(s): Mr.K.Krishnan

ORDER

This Criminal Original Petition has been filed challenging the order dated 20.11.2025 passed in M.P.No.1 of 2025 in unnumbered C.A. in CFR No.11861 of 2025 on the file of the Principal Sessions Judge, Erode, thereby allowing the petition to condone the delay of 29 days in filing the appeal on condition that the petitioner shall deposit a sum of Rs.2,90,000/- as partial arrears towards the total arrears of maintenance amount of Rs.5,80,000/- to the credit of D.V.C. No.63 of 2022 on the file of the Judicial Magistrate, Additional Mahila Court, Erode.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the husband of the first respondent and out of their wedlock, the second respondent was born. Thereafter, due to misunderstanding, they got separated and as such, the respondents could not able to maintain themselves. Further, the petitioner also harassed the first respondent to the core. Therefore, the respondents filed a petition seeking various reliefs under the Protection of Women from Domestic Violence Act, 2005 in DVC No.63 of 2022.

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4. After a full-fledged trial, the Trial Court directed the petitioner to pay a monthly maintenance of Rs. 20,000/- to the first respondent. Aggrieved by the said order, the petitioner preferred an appeal along with a miscellaneous petition to condone the delay of 29 days in filing the appeal. While allowing the condone delay petition, the Appellate Court imposed a condition directing the petitioner to deposit a sum of Rs. 2,90,000/- to the credit of D.V.C. No. 63 of 2022. However, the petitioner was unable to comply with the said condition, though he has been regularly paying the monthly maintenance of Rs. 20,000/- without any default to date. It is now submitted that the petitioner is ready and willing to deposit a sum of Rs. 1,00,000/- instead of Rs. 2,90,000/-.

5. Considering the facts and circumstances of the case, this Court is inclined to modify the condition by reducing the deposit amount from Rs. 2,90,000/- to Rs. 1,00,000/-. Accordingly, the petitioner is directed to deposit a sum of Rs. 1,00,000/- (Rupees One Lakh only) to the credit of D.V.C. No. 63 of 2022 on the file of the Judicial Magistrate, Additional Mahila Court, Erode, on or before 07.12.2026. Upon such deposit being made, the respondents are at liberty to withdraw the same in accordance with law. Thereafter, the Appellate Court is directed to number the appeal, if it is otherwise in order, and dispose of the same on merits and in accordance with law within a period of six (6) months from the date of taking the appeal on file.

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6. With the above direction, this Criminal Original Petition stands disposed of.

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

LPP

Note : Issue order copy on or before 25.11.2026

1. The Principal Sessions Judge,
Erode.

2. The Additional Mahila Court,
Erode.

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G.K.ILANTHIRAIYAN J.

LPP

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