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CRP No. 6290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6290 of 2025 and CMP No.31210 of 2025

1. Maragadham

W/o Gurumoorthy, Res at D.No 258/3,
Rajiv Nagar, Mailampadi Village, Bhavan
Tk, Erode 638314 and 2 Others

2. G.Karthick

s/o Gurumoorthy, Res at D.No 258/3, Rajiv
Nagar, Mailampadi Village, Bhavan Tk,
Erode 638314

3. Kowsalya

w/o.Karthick. Res at D.No 258/3, Rajiv
Nagar, Mailampadi Village, Bhavan Tk,
Erode 638314

Petitioner(s)

Vs

1. R.Akshitha

D/o D.R.Rajendiran, No 26, Surya Nagar,
Cheran Municipality, Coimbatore 641 305

2.G.Ramesh

S/o.Gurumoorthy, D.No.258/3, Rajiv
Nagar, Mailampadi Village, Bhavani tk.,
Erode - 638 314.

Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed in MP No.1 of 2025 in CA No.Nil of 2025 dated 04.11.2025 insofar as the conditional deposit of Rs.3,00,000/- and allowing the 1st respondent to withdraw the amount passed by the Principal District and Sessions Judge, Coimbatore.

For Petitioner(s): S.P.Yuaraj

For Respondent(s): R-1 – Exparte
R.2 – No appearance

ORDER

Heard the learned counsel for the revision petitioners who are the mother-in-law, brother-in-law and sister-in-law of the first respondent.

2. Despite service of notice, the contesting first respondent has not chosen to appear either in person or through counsel. Therefore, the first respondent called absent and set exparte.

3. The petitioners have been arrayed as respondents in DVC proceedings and they have suffered an order in the original proceedings, for which, the petitioners filed an application in MP No.1 of 2025 for condonation of delay of 822 days in preferring Criminal Appeal as against the order in DVA No.157 of 2021 dated 16.12.2022.

4. The learned Principal District and Sessions Judge, Coimbatore, after conducting due enquiry and giving opportunity to the contesting respondents as well, thought it fit to condone the delay, however, the learned Judge has imposed a condition to the petitioners to deposit a sum of Rs.3,00,000/-(Rupees Three Lakhs Only) to the



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credit of DVA No.157 of 2021, as against which, the present revision has been filed.

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5. Learned counsel for the petitioners states that the Court having come to a conclusion that the petitioners are entitled for condonation of delay, ought not to have imposed such an onerous condition, that too, against the in-laws of the first respondent.

6. The learned District and Sessions Judge appears to have imposed such a condition taking into account the fact that the husband has not paid the maintenance amounts to the first respondent/wife. I do not see how the conduct of the husband can be put against the revision petitioners, who have an independent right to challenge the order passed in DVC proceedings. Moreover, the Court, having come to a conclusion that the petitioners, who are close family members, are entitled to fair hearing and thereby condonation of delay, ought not to have imposed such an onerous condition of deposit a sum of Rs.3,00,000/-(Rupees Three Lakhs Only).

7. This Court as well the Hon'ble Supreme Court has time and again come down heavily on Courts imposing such an onerous condition for allowing the application under Section 5 of Limitation Act.



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8. In the light of the above, I am inclined to modify the order passed by the learned Principal District and Sessions Judge, Coimbatore. Accordingly, the order allowing the application to prefer an appeal is confirmed subject to the condition that the petitioners pay a sum of Rs.30,000/-(Rupees Thirty Thousand Only) directly to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On such payment, the delay shall be condoned and the learned Principal District and Sessions Judge, Coimbatore shall number the criminal appeal and dispose of the same on merits and in accordance with law.

9. With the above direction, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-Speaking Order



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To

The Principal District and Sessions Judge, Coimbatore



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P.B.BALAJI,J

sr

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