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CRL RC No. 575 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-03-2026**

CORAM

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**CRL RC No. 575 of 2026**

**and**

**CRL MP No.4374 of 2026**

Patnam Raveendra @ Ravi

Petitioner(s)

Vs

Patnam Vijaya Kumari

Respondent(s)

**PRAYER:** Criminal Revision Case filed under Section 438 of BNSS, praying to set aside the order dated 02.09.2024 passed in M.P.No.1194 of 2024 in M.C.No.242 of 2023 on the file of the III Additional Family Court, Chennai.

For Petitioner(s): Mr.T.P.Segar

For Respondent: Mr.K.A.Mahendra Kumar

**ORDER**

Challenging the order dated 02.09.2024 passed in M.P.No.1194 of 2024 in M.C.No.242 of 2023 on the file of the III Additional Family Court, Chennai, the present criminal revision case has been filed.

2. The case of the petitioner is that the petitioner and the respondent are husband and wife and their marriage was solemnized on 13.04.1987 at



Sydapuram, Gudur, Nellore District, Andhra Pradesh. Out of wedlock, a male child was born to them on 01.08.1988, namely Shivakumar. Due to some difference of opinion, the petitioner and the respondent are living separately in Sydapuram. The respondent is a permanent resident of Sydapuram and she is having Ration card and voter ID in Sydapuram and also receiving Andhra Pradesh State Government Pension till date as permanent resident of Andhra Pradesh. Neither the petitioner nor the respondent ever lived at Chennai at any point of time.

2.1. It is stated that the respondent's brother namely Babu was working in Southern Railways in Chennai. In order to file maintenance case and invoke the territorial jurisdiction of Family Court at Chennai, the respondent/wife has intentionally furnished false address and obtained Aadhar card using her brother's address as if she resides at Chennai. By using the fake address, Aadhar Card, the respondent/wife has filed the maintenance case before III Additional Family Court, Chennai in M.C.No.242 of 2023.

3. In order to prove that the respondent/wife is residing at Sydapuram, the petitioner has filed the documents of the respondent's Ration receipts, online voter information, voter list and monthly and annual pension information from 2018 to till date in Sydapuram, Gudur, Nellore District, Andhara Pradesh.



4. The main grievance of the petitioner is that, in the above said maintenance case in M.C.No.242 of 2023, the petitioner was set *ex parte* on 24.07.2023 and an *ex parte* order was passed on 05.08.2023. Thereafter, the petitioner has filed a petition to set aside the *ex parte* order along with an application to condone delay. The learned III Additional Family Court Judge has allowed the delay petition with a condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) on or before 05.10.2024. Challenging the same, the petitioner has filed the present Criminal Revision Case.

5. The learned counsel for the petitioner submitted that the Family Court failed to note that there is no cause of action arose within the territorial jurisdiction of Family Courts at Chennai for filing M.C.No.242 of 2023 as contemplated under Section 125 Cr.P.C., as the respondent is the permanent resident of Sydapuram, Andhra Pradesh and that the petitioner and the respondent never lived in Chennai at any point of time. Further, he submitted that the petitioner was set *ex parte*, without even serving proper notice and private notice to the petitioner. The petitioner had knowledge of the maintenance case proceedings only after the receipt of Court notice in M.P.No.477 of 2024 filed by the respondent for arrears of maintenance.



6. The main contention of the learned counsel for the petitioner is that he is aged about 63 years and suffering with focal seizure and haemorrhage stroke hypertension and diabetes. Even though the petitioner had produced medical records to prove his ill health, the Family Court without considering the same, directed the petitioner to deposit a sum of Rs.1,00,000/- to the credit of M.C.No.242 of 2023 on or before 05.10.2024, failing which the condone delay petition stands dismissed automatically. It is also stated that the petitioner has already deposited a sum of Rs.50,000/- to the credit of M.C.No.242 of 2023. Hence, he prayed for appropriate orders from this Court.

7. Heard both sides and perused the materials available on record.

8. Considering the submission made by the learned counsel for the petitioner and also upon perusal of the order passed in M.P.No.1194 of 2024 in M.C.No.242 of 2023, dated 02.09.2024, it appears that the delay of 345 days in filing the application to set aside the *ex parte* order was condoned subject to deposit of a sum of Rs.1,00,000/- by the petitioner to the credit of M.C.No.242 of 2023 on or before 05.10.2024, failing which the petition shall stand dismissed automatically. At this juncture, the learned counsel for the petitioner submitted that the petitioner has already deposited a sum of Rs.50,000/- to the credit of M.C.No.242 of 2023. The petitioner has filed this Criminal Revision



Case with a delay of 373 days against the order dated 02.09.2024 and the same was condoned vide order dated 13.02.2026. The only ground urged by the learned counsel for the petitioner is that III Additional Principal Family Court, Chennai, has no jurisdiction to take up this matter and only by obtaining false Aadhar Card and ration Card, the maintenance case has been filed by the respondent. As rightly contended by the learned counsel for the respondent, such factor cannot be gone into by this Court at this stage, and it could be plead only before the trial Court after reopening the matter.

9. It is also seen that the petitioner has not complied with the condition passed in M.P.No.1194 of 2024 in M.C.No.242 of 2023, dated 02.09.2024 to condone the delay. This Court absolutely does not find any infirmity in the order dated 02.09.2024 made in M.P.No.1194 of 2024 in M.C.No.242 of 2023 by the III Additional Family Court, Chennai. However, considering the facts and circumstances of the case and taking into account of the ill health of the petitioner, this Court is inclined to grant time to pay the remaining sum of Rs.50,000/- to the credit of M.C.No.242 of 2023, on or before 24.03.2026, failing which the order dated 02.09.2024 passed in M.P.No.1194 of 2024 in M.C.No.242 of 2023 holds good.



10. Accordingly, this Criminal Revision Case is disposed of as indicated above. Consequently, connected Miscellaneous Petition is closed.

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**09-03-2026**

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. III Additional Family Court, Chennai.

2. The Public Prosecutor,  
Madras High Court, Chennai.



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**C.KUMARAPPAN J.**  
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