

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI**

**Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFSc., PGDDF,  
Principal Sessions Judge.**

Wednesday, the 1<sup>st</sup> day of July, 2026.

**Crl.M.P.No.8975/2025**

**in**

**C.A.SR.No.11482/2025**

**against**

**Crl.M.P.No.1249/2023**

**in**

**D.V.C.No.145/2022**

**(on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore,  
Chennai)**

Selvam,

S/o. Devagiri

...Petitioner/Appellant/Respondent

**Vs.**

S. Anusya

...Respondent/Respondent/Petitioner

This petition is coming on 23.06.2026 before this court for hearing in the presence of M/s. Majestic Law Firm, C. R. Ezhil Kumar, P. Madan, E. Samuel, M. Jayaraj Kumar, S. Deepak, Dinesh Kumar, the counsel for the petitioner and of M/s. E.Ezhil Caroline, J. Suresh, G. Naveen, the counsel for the respondent and upon hearing both sides and upon perusal of case-records and having stood over till this day, this Court delivered the following:

**ORDER**

1. Petition to condone the delay of 197 days in filing the criminal appeal.

2. The learned counsel for the petitioner submitted that the petitioner has filed this petition seeking to condone a delay of 197 days in preferring the Criminal Appeal against the interim maintenance order dated 17.12.2024 passed in Crl.M.P. No.1249 of 2023 in D.V.C. No. 145 of 2022 by the Additional Mahila Court, Egmore, Chennai. The petitioner had previously filed a dissolution of marriage petition in H.M.O.P. No. 1994 of 2020 before the III Additional Family Court, Chennai, which was ordered by granting a decree of divorce on 04.09.2024, and he has also secured permanent custody of his minor daughter in G.W.O.P. No. 2243 of 2020. The

petitioner states that he is a single parent single-handedly taking care of his minor daughter's education and his elderly mother. He contends that the respondent is gainfully employed in a private concern but suppressed her employment details to obtain the interim maintenance order, and that the trial court erred in allowing a monthly interim maintenance of Rs.12,000/- without any documentary proof of the parties' respective incomes. Regarding the delay, the petitioner asserts that he suffered from severe health issues due to which he could not communicate with his legal counsel to file the appeal in time. The delay is neither willful nor wanton, and that he will face serious loss and hardship if the delay is not condoned. Hence, prays to condone the delay of 197 days in filing the criminal appeal.

3. The learned counsel for the respondent contended that the application filed by the petitioner is completely devoid of merits, bereft of bona fides, and filed with a calculated attempt to evade payment of interim maintenance. The petitioner's sole explanation of "health issues" is completely vague and general, as he has failed to produce any medical certificate, hospital record, or particulars regarding the nature and duration of his illness. It is specifically contended that during the very period the petitioner claims to have been incapacitated by illness, he was actively participating along with his counsel in the execution and salary attachment proceedings in CrI.M.P. No. 185 of 2025 before the Additional Mahila Court, Egmore, demonstrating that his plea of being unable to contact his counsel is false. The respondent further states that the petitioner has incorrectly calculated the limitation period; the certified copy was made ready on 03.02.2025 and the appeal was filed only on 18.09.2025, meaning the actual delay runs to more than 200 days rather than the 135 days prayed for, making the petition fundamentally defective in computation. Furthermore, the respondent argues that the petitioner has deliberately disobeyed the lawful maintenance order for nearly a year and only approached this Court after his salary was attached on 27.10.2025. The respondent relies on settled legal principles to argue that the law of limitation must be applied with all its rigour and cannot be extended on purely sympathetic or equitable considerations for a litigant who has suppressed material

facts and failed to comply with court orders. Hence, prays for dismissal of the petition.

4. On perusal of records, it is found that the respondent herein has filed a petition in Crl.M.P.No.1249/2023 in D.V.C.No.145/2022 before the Additional Mahila Court, Egmore, Chennai seeking interim maintenance of Rs.25,000/- per month from the petitioner herein. The said petition was partly allowed by an order dated 17.12.2024 and directed the petitioner herein to pay a sum of Rs.12,000/- as interim monthly maintenance to the respondent bank account directly on or before 5th day of every English Calendar Month from the date of order. Aggrieved by the said order, the petitioner herein has preferred the present appeal with a delay of 197 days. According to the petitioner, he suffered from severe health issues due to which he could not communicate with his legal counsel to file the appeal in time. On the other hand, the respondent contended that the petitioner has failed to produce any medical certificate, hospital record, or particulars regarding the nature and duration of his illness and the petitioner has deliberately disobeyed the lawful maintenance order for nearly a year. The maintenance was passed on 17.12.2024. However, it is contended by the respondent that the petitioner has not complied the order and there is arrears of maintenance. Further, the delay is 197 days and the petitioner has to be given an opportunity to file an appeal against the order passed by the trial court. On perusal of ground of appeal, the petitioner has made out arguable grounds. Therefore, considering the above circumstances, this court is of the considered view that the delay may be condoned by imposing condition that the petitioner shall pay 25% of the arrears of maintenance.

5. In the result the petition is allowed on condition that the Petitioner shall pay 25% of the arrears of maintenance to the respondent on or before 15.07.2026, failing which this application stands dismissed without any reference to this court.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, this the 1<sup>st</sup> day of July, 2026.

**PRINCIPAL SESSIONS JUDGE.**