

In the Court of Principal Sessions Judge, Kanniyakumari District
at Nagercoil.

Present : Thiru K. Dhanasekaran, M.L., L.L.M.
Principal Sessions Judge.

Friday, the 7th day of August, 2026.

CrI.M.P. No. 477/2026 (CNR No.TNKK01-005611-2025)

CrI.M.P. No. 478/2026 (CNR No.TNKK01-000722-2026)

and

CrI.M.P. No. 479/2026 (CNR No.TNKK01-000720-2026)

Anna Mariyan Roche

S/o Francis Roche

.. Petitioner/Appellant/1st
Respondent in all
petitions

/Vs./

1. Iswariya Amrit

D/o Pattimson

2. Caplin Roche (Minor)

D/o Anna Mariyan Roche

Minor Rep. by her mother/1st respondent

3. Aspell Roche (Minor)

D/o Anna Mariyan Roche

Minor respondents 2 and 3 rep. by
thei mother/1st respondent)

.. Respondents/Respondents/
Petitioners in all petitions

These three petitions came up on 06.08.2026 for final hearing before me in the presence of,

Thiru A. Paulraj .. Advocate for the petitioner in all petitions

Thiru S. Suresh Kumar .. Advocate for the respondents in all petitions

and upon hearing both sides and upon perusing the materials available on record and having stood over for consideration till this day, this court delivered the following:-

COMMON ORDER

Crl.M.P. No. 477/2026 has been filed by the petitioner seeking condonation of delay of 62 days in filing the criminal appeal challenging the order passed by the Judicial Magistrate, Additional Mahila Court, Nagercoil dated: 14.07.2025 in Crl.M.P. No. 192/2025 in DVC No. 10/2025.

Crl.M.P. No. 478/2026 has been filed by the petitioner seeking condonation of delay of 62 days in filing the criminal appeal challenging the order passed by the Judicial Magistrate, Additional Mahila Court, Nagercoil dated: 14.07.2025 in Crl.M.P. No. 190/2025 in DVC No. 10/2025.

Crl.M.P. No. 479/2026 has been filed by the petitioner seeking condonation of delay of 62 days in filing the criminal appeal

challenging the order passed by the Judicial Magistrate, Additional Mahila Court, Nagercoil dated: 14.07.2025 in CrI.M.P. No. 191/2025 in DVC No. 10/2025.

2. The averments in the affidavits filed in support of all the petitions in brief are as follows:

The respondents have filed the Domestic Violence Case against the petitioner seeking residential order, order for interim maintenance and interim order for non operating the bank locker. On 14.07.2025, the learned Judicial Magistrate, Additional Mahila Court, Nagercoil has passed the order in CrI.M.P. Nos.190/2025, 191/2025 and 192/2025 in DVC No. 10/2025. On 17.08.2025 the petitioner met with an bike accident so that he was unable to contact his advocate and file the criminal appeals in time and there is a delay of 62 days in filing the criminal appeals.

3. The averments in the counter filed by the respondents in all the petitions in brief are as follows:

The petitioner has stated that he met with a bike accident on 17.08.2025 and therefore, he could not contact his counsel and file the appeal within the prescribed period. Except making a bald allegation, the petitioner has not produced any medical records, accident records,

discharge summaries, prescription, wound certificates or any other document to establish either the occurrence of the alleged accident or the extent of injuries sustained. In the absence of any supporting material, the explanation offered for the delay is vague, unsubstantiated and cannot constitute sufficient cause u/s 5 of the Limitation Act. Even after the alleged accident, the petitioner had appeared before the trial court and actively participated in the proceedings. Therefore, the contention that he was unable to contact his counsel or pursue legal remedies due to the alleged accident is clearly false and contrary to his own conduct. This petition has been filed in a casual manner without any supporting evidence. Hence the petition may be dismissed.

4. Heard both. Perused the materials on record.

5. **The point for consideration is :-**

(i). Whether the present petitions deserve to be allowed ?

6. **Point (i) :-**

The claim of the petitioner that he is unable to file appeal within the stipulated time, since he met with an accident on 18.07.2025. Though the learned counsel for the respondents filed a counter statement

disputing the claim of the petitioner, fair opportunities shall be given on either parties. Considering the factual aspect and fair opportunity to both parties, this court is of the considered view that moderate order has to be passed. Thus, this court finds that the present petitions deserve to be allowed. However, considering the huge inconvenience caused to the respondents, the petitioner is liable to pay part compensation amount to them.

7. In the result, all the three petitions in CrI.M.P. Nos. 477/2026, 478/2026 and 479/2026 are allowed on condition that the petitioner shall pay part compensation amount of Rs.25,000/- (Rupees Twenty Five Thousand only) to the respondents through their counsel on or before 27.08.2026, failing which the petitions shall stand dismissed. The said amount shall be deducted in the maintenance amount ordered by the trial court in CrI.M.P.No. 190/2025 in DVC No. 10/2025. Call on 28.08.2026.

Dictated to the Steno-typist, typed by her, corrected and pronounced by me in open court this the 7th day of August, 2026.

Principal Sessions Judge,
Kanniyakumari at Nagercoil.

Principal Sessions Court,
Kanniyakumari at Nagercoil.
Fair Order in
Crl.M.P. Nos.477/2026,
478/2026 & 479/2026
Dt: 01.08.2026