

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
TIRUVANNAMALAI.

PRESENT: Mr. **P. Mathusuthanan, B.A.,B.L.**,  
Principal District & Sessions Judge,  
Tiruvannamalai.

Friday, the 27th day of June- 2025

**M.P.No.1/2025 in Unfiled C.A.**

Gayathri		.. Petitioner/Appellant
	Vs	
Manickaraj		...Respondent/Complainant

This Criminal Miscellaneous Petition has come up for final hearing before me today (27.06.2025) and upon hearing the arguments of **Tr.S.Sundaresan** Learned Advocate appearing for the Petitioner and **Tr.S.Kannan** learned counsel appearing for the Respondent and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

**ORDER**

The petitioner filed this petition under section 5 of Limitation Act to condone the delay of 243 days in preferring the Criminal appeal as against the Judgment passed by the Additional Mahila Court, Tiruvannamalai in DVC.No.29/2021 dated 04.12.2023 with regard to the dismissal of compensation order and for return of sridhana properties.

**2) Brief averments of the petition are as follows:** The petitioner herein is the appellant/wife in the above case. The petitioner has filed a petition u/s Domestic Violence Act in DVC.No.29/2021 before Additional Mahila Court, Tiruvannamalai as against the respondent/husband and others. which was partly allowed on 04.12.2023. Since the respondent caused the petitioner mental distress by not providing financial assistance for essential needs and disregarding the court order, the petitioner was unable to file the appeal in time.

and hence there is a delay of 243 days in filing the main appeal. The said delay is neither willful nor wanton one. Hence this petition.

3) Tr.S.Kannan learned Advocate appearing for the respondent filed a memo stating the he has no counter and no objection to allow this petition.

4) Point for consideration in this petition is that

Whether the petition is to be allowed as sought for?

**5) Point:** Heard and perused the records. Admittedly, there was a delay of 247 days in preferring a criminal appeal as against the Judgment passed by the Additional Mahila Court, Tiruvannamalai in DVC.No.29/2021 dated 04.12.2023. It is well settled Law that the petitioner shall be given a fair opportunity to contest her case on merits and the right of the petitioner to prefer an appeal shall not be rejected at threshold on the ground of mere delay only.

6) Having considered the reasons mentioned in the petition and also considering that the respondent has no objection to allow this petition and the facts and circumstances of the case and in the interest of justice, this court is inclined to allow this petition. Thus, the point is answered accordingly.

**In fine, this petition is allowed. No costs.**

This Order is dictated by me to the Stenographer Grade-I of this Court, typed by her directly in Computer, corrected and pronounced by me in open court, this the 27th day of June- 2025

**Principal District & Sessions Judge,  
Tiruvannamalai**