

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR

PRESENT: Dr. J. JULIET PUSHPA, Ph.D.(Law)

Principal District Judge, Tiruvallur

Tuesday, the 17th day of March , 2026

Crl.M.P. No. 5263/2025

in Unnumbered Crl. Appeal Filing No. 6894/2025

(CNR TNTR010108042025)

1. Kannan, S/o Kanakasabapathy,
2. Kanaka Sabapathy
3. Mariyammal, W/o Kanakasabapathy
4. Padmavathy , W/o Sekar

... Petitioners/ Appellants

/Vs/

Kaleeswari , W/o Kannan,

...Respondents/ Respondents

This petition coming on 11.03.2026 before me for final hearing in the presence of M/s. M. Anbalagan, learned counsel for the petitioner/appellant and having the respondents called absent, set exparte upon hearing the arguments on petitioner, upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following :-

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner/appellant under section 5 of Limitation Act praying to condone the delay of 355 days in filing appeal as against the orders passed by the Judicial Magistrate No II Ponneri in DV No.9/2022 dated 11.11.2024

2. The averments in the petition in brief :

The petitioners are the respondents in D.V. C.No. 9/2022 before the Judicial Magistrate No II , Ponneri . The said petition was disposed on 11.11.2024 by the Judicial Magistrate passing order of protection, maintenance of Rs.3,500/- per month to be paid to the respondent , and also compensation of Rs. 3,00,000/- u/s 22 of D.V. Act within two months from the date of order. The 1st petitioner's father was affected by paralysis and his mother the 3rd petitioner is also an aged and sick. Hence, the 1st petitioner is the only person to take care of the 2nd petitioner for the past 10 months. Hence, he could not contact his counsel and prefer appeal in time. As such, there is a delay of 355 days in filing criminal appeal as against the orders passed by the trial court in D.V.C.No.9/2022 dated 11.11.2024

3. In spite of the notice, the respondent has not appeared to contest the case and remained exparte.

4. Now, the point for consideration is

- 1) **Whether the petitioner is entitled to the relief as prayed for ?**
- 2) **Whether this petition is to be allowed?**

5. POINT :

Heard both side. Perused the records.

6. The petitioner herein filed the present petition to condone the delay of 355 days in filing Criminal appeal against the order of D.V. C.No.9/2022 dated 11.11.2024 passed by the Judicial Magistrate No.II , Ponneri

7. The case of the petitioner is that the 2nd petitioner, who is the father of the 1st petitioner was attacked by paralysis and the 3rd petitioner, his mother is sick., hence, for the past 10 months, he was taking care of the 2nd petitioner for all his medical treatment. As such, he could not contact his counsel to file the appeal. As such, there is a delay of 355 days in preferring the appeal.

8. On perusal of records, it reveals that the main complaint in DVC No.9/2022 before the Trial Court was filed by the respondent/wife as against the 1st petitioner/husband and her inlaws, the respondents 2 to 4 herein for the relief of Protection order, maintenance , shelter etc. under Protection of Women from Domestic Violence Act , 2005. The trial court allowed the petitioner thereby petitioner is directed to pay a sum of Rs.3,500/- per month from the date of filing of the above said petition to the respondent and Rs.3,00,000/- towards compensation to the respondent Having aggrieved by the said interim maintenance order of the trial court, the petitioner/respondent preferred the Criminal Appeal with delay of 355 days and prayed to condone the delay.

9. This petition is not contested by the respondent even after service of notice. As against the orders of the Trial Court, the petitioners have the right of appeal. The contention of the petitioner that only due to paralytic attack of 2nd

petitioner and he had to take care of his medical requirement, he could not the file the appeal in time. As far as the delay is concerned, it is 355 days.

10. No prejudice would be caused to the respondent by condoning the delay, as the matter will be decided on merits in the appeal. Moreover, the respondent will have ample opportunity to disprove the case of the petitioners. Therefore, this Court is inclined to allow this petition. However, considering the period of delay, this Court is inclined to allow this petition on conditions. These points are answered accordingly.

In the result, this petition is allowed on payment of costs, Rs.2500/- to be paid to the District Mediation Centre, Tiruvallur on or before 26.03.2026. Call on 27.03.2026.

Dictated to Steno-typist, transcribed and typed by him, corrected and pronounced by me in Open Court, this the 17th day of March , 2026.

**PRINCIPAL SESSIONS JUDGE,
THIRUVALLUR**

Witnesses and Exhibits on
Petitioner and respondent side : Nil

**PRINCIPAL SESSIONS JUDGE,
THIRUVALLUR**