

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Contempt Petition No.1544 of 2015

Sumathi

.. Petitioner.

Versus

Murugan

The Managing Director,
Vellore District Milk Producers
Co-operative Union,
Sathuvachari (Aavin)
Vellore.

.. Respondent.

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 70/71 to punish the respondent for having committed contempt of Court for disobeying the order, passed in W.P.No.9367 of 2013, dated 6.8.2013.

For Petitioner : Mr.K.Shakeela Banu

For Respondent : Mr.S.T.S.Murthy, Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner, as well as the learned counsel appearing for the respondent.

2. At this stage of the hearing of the contempt petition, the learned counsel appearing on behalf of the respondent had placed before this Court an order, dated 22.8.2015, passed by the respondent, pursuant to the order passed by this Court on 6.8.2013. The order, dated 22.8.2015, passed by the respondent reads as follows:

"In compliance to the order passed by the

Honourable Madras High Court in W.P.No.9367/2013

dated 6.8.2013, the petitioner Sumathi has been

given an opportunity and the other concerned

parties i.e. her husband Thiru.Sivaji was also given an opportunity of personal hearing on 28.10.2013. After giving oral hearing and hearing both the parties, records have been perused and it has been revealed that the petitioner has filed the writ petition with a prayer seeking a Writ of Mandamus directing the respondents to pay the arrears of Maintenance due by her husband for a sum of Rs.164000/- from his salary and future Maintenance hereafter for a sum of Rs.12000/- per month for her and her children from the Salary of her husband and further directing the respondents to not grant any loan to her husband from the benefits available to him under his employment, pending disposal of this writ petition.

In pursuance of the said prayer, the honourable Madras High Court in the above said order has directed as follows,

"In view of the said submission, the first respondent is directed to consider the representation of the petitioner, dated 19.3.2013 and pass orders, thereon, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and to other persons concerned, if any.

The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed."

No.26/2011 before the chief judicial magistrate, Vellore claiming maintenance under Section 125 of the Criminal procedure code. The Chief Judicial Magistrate court by order dated 3.8.2012 has passed an order wherein it has granted maintenance of Rs.12000/-. However in the said maintenance case, neither the managing director nor any officials of the Vellore district Milk Producers Cooperative Union have been added as parties. It has also been accepted in the representation given by the petitioner itself that the Garnishee of her husband's salary has also not been included as a party in the maintenance case. It is pertinent to point out that the petitioner has filed for recovery of the maintenance amount from the respondent in Cr.M.P.No.850/2011 (for interim collection petition) and Cr.M.P.1041/2012 wherein she sought for attachment of her husband's salary and the same is pending. Therefore, it is clear that without obtaining any orders from the Chief Judicial Magistrate, the petitioner has filed the writ petition. She has also not filed any petition or instituted ny proceeding for attachment of the salary or any retirement benefits or other benefits of her husband Thiru.Sivaji. The limited scope of the prayer sought before the Honourable High Court was to consider her representation and as per the order passed by the High Court, the representation has been considered and oral hearing has been given.

In the absence of there being any specific direction given to this office for attachment of salary or retirement benefits, the representation given by the petitioner could not be considered.

Hence, the same is rejected. The petitioner Sumathi shall pursue her remedy in an appropriate forum in accordance with law."

3. It is noted that certain reasons have been stated in the order passed by the respondent, dated 22.8.2015, rejecting the claims made by the petitioner, in her representation, dated 19.3.2013. It had also been made clear in the said order that it would be open to the petitioner to pursue her remedies, if any, before the appropriate forum, in the manner known to law.

4. Therefore, in view of the submissions made by the learned counsel appearing on behalf of the respondent, and in view of the order of the respondent, dated 22.8.2015, placed before this Court, this Court is of the considered view that no further orders are necessary in the present contempt petition. Hence, the contempt petition stands closed. No costs.

Csh

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/08/10/2015

One CC to Mr.S.T.S.Moorthy, Advocate, Sr.No.10993

Two Ccs to Mrs.K.Shakeela Banu, Advocate, Sr.No.10977.

To

The Managing Director
Vellore District Milk Producers,
Co-Operative Union, Suthuvachari (Aavin)
Vellore