

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Crl.O.P.No.33221 of 2014

N.Vimalamani

..

Petitioner

Vs.

M.Karthik

..

Respondent

Prayer:-

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking to expunge the remarks (i) "... and working in a financial company"; (ii) "...Since the respondent (wife) is working in a financial company"; and (iii) "Further, whether the respondent is working in a financial company or not will be decided only at the time of trial"; and (iv) "....reasonable period" in the final order dated 04.12.2013 made in Crl.R.C.No.1223 of 2012 as they are beyond the pleadings on record and consequently, direct the respondent herein/husband to pay the interim monthly maintenance of Rs.3,000/- and to pay the arrears of the monthly maintenance directly to the petitioner herein/wife.

For Petitioner : Mr.G.Saravanan

For Respondent : Mr.Kumaradevan

O R D E R

This Court in Crl.R.C.No.1223 of 2012, by order dated 04.12.2013, while disposing of the same has observed that the wife is working in a financial Company and further, the husband is directed to deposit the arrears of maintenance amount within a reasonable period and since, no time limit is fixed, he has not deposited the maintenance amount till date and hence, seeking to expunge the remarks (i) "... and working in a financial company"; (ii) "...Since the respondent (wife) is working in a financial company"; and (iii) "Further, whether the respondent is working in a financial company or not will be decided only at the time of trial"; and (iv) "....reasonable period" in the final order dated 04.12.2013 made in Crl.R.C.No.1223 of 2012 as they are beyond the pleadings on record and consequently, to direct the respondent herein/husband to pay the interim monthly maintenance of Rs.3,000/- and to pay the arrears of the monthly maintenance directly to the petitioner herein/wife, the Criminal Original Petition is filed.

2. Mr. G. Saravanan, learned counsel appearing for the petitioner would submit the petitioner herein/wife is not working in the Finance Company and she has got evidence to prove that she is not working in

the Finance Company. He would further submit that in the order in Crl.R.C.No.1223 of 2012, dated 04.12.2013, in the D.V.A.No. 3 of 2011, the year has been wrongly mentioned as 2011, instead of 2010.

3. Heard both sides. By consent, the Criminal Original Petition itself is taken up for final disposal.

4. Since, according to the petitioner herein/wife, she is not working in the Finance Company and she has got evidence to prove that she is not working in the Finance Company, it is suffice to state that the Trial Court shall go into the merits of the case and decide the same at the time of disposal of the main Domestic Violence Act case. Insofar as the D.V.A.No. 3 of 2011 is concerned in the order dated 04.12.2013 in Crl.R.C.No.1223 of 2012, the year has been wrongly mentioned as 2011, instead of 2010, it is only a typographical error and therefore, wherever D.V.A.No.3 of 2011 is found in the order, the year shall be read as 2010. It is hereby made clear that the parties are at liberty to let in evidence and co-operate in the early disposal of the Domestic Violence Act case. Since, it is represented that the respondent herein/husband has not deposited the arrears of maintenance amount, as it is stated in the order "within a reasonable period", the husband is now directed to deposit the arrears of maintenance amount as on date before the District Munsif-cum-Judicial Magistrate, Mettupalayam, to the credit of D.V.A.No.3 of 2010, within a period of four weeks from the date of receipt of a copy of this order and he is further directed to deposit the monthly maintenance of Rs.3,000/- before the Lower Court on or before 5th of every succeeding English Calendar month. The statement made by the learned counsel for the petitioner is recorded. This Criminal Original Petition is ordered accordingly.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

paa
To

1. The first Additional District & sessions Judge, Coimbatore.
2. The Judicial Magistrate, Mettupalayam.

+1 cc to M/s. R. Meenalochini, Advocate, sr. 33828
+1 cc to M/s. S. Kumaradevan, Advocate, sr.33782.

Crl.O.P.No.33221/2014

gp(co)
kra(28/07)