

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.OP.No.23993 of 2015

1.V.K.Sasi Priya
2.J.Meaha

... Petitioners/Petitioner

Vs

Jeyakanthan

... Respondent /Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the II Additional Family Court at Chennai to pass appropriate orders in the interim maintenance petition filed in M.P.No.137/2013 in M.C.232/2011 filed under Section 125(2) CrI.P.C. and to pass suitable orders to dispose of the petition within a stipulated time limit.

For Petitioners : Ms.A.Madhumathi
For Respondent : Mr.J.S.Babu

O R D E R

This criminal original petition has been filed to direct the learned II Additional Judge, Family Court, Chennai to pass appropriate orders in M.P.No.137 of 2013 in M.C.232 of 2011 filed under Section 125[2] Cr.P.C. within a stipulated time limit.

2. The petitioner herein filed petition under Section 125[2] Cr.P.C seeking monthly maintenance of Rs.30,000/- for her and Rs.20,000/- for her daughter in MC.No.232 of 2011 from the respondent. Though the respondent is contesting the divorce proceedings in HMOP.No.270 of 2011, he was evasive in maintenance proceedings. In February 2013, the petitioner herein filed MP.No.137 of 2013 in MC.No.232 of 2011 praying for interim maintenance. Despite court notice, many chances were given to the respondent for his appearance in MP.No.137 of 2013 in MC.No.232 of 2011. But the respondent failed to appear on

15.07.2013 in MC.No.232 of 2011 and also in divorce proceedings in HMOP.No.270 of 2011. On 25.09.2013, an ex-parte order was passed in MC.No.232 of 2011 and on the same day, the Trial Court has awarded a sum of Rs.15,000/- each as interim maintenance.

3. When the petitioner filed a petition for arrears in maintenance, the respondent chose to file MP.No.888 of 2013 in MC.No.232 of 2011 seeking to set aside the ex-parte order and the same was allowed on 09.10.2014 and thereafter, referred to mediation. But, no settlement was arrived at before the mediation. The petitioner is depending on her parents for her livelihood. The petitioner submits that the intention of the respondent is to make them suffer and he is leading a luxurious life out of his monthly income around Rs.11lakh. Hence, the petitioner has come forward with the present petition to expedite the hearing in M.P.No.137 of 2013 in M.C.No.232 of 2011.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the II Additional Judge, Family Court, Chennai to expedite the hearing in M.P.No.137 of 2013 in M.C.No.232 of 2011 and pass appropriate orders preferably within a period of two months, from the date of receipt of a copy of this order.

The criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gya

To

The I Additional Judge, Family Court, Chennai.

+1 cc to A.ArulMozhi Advocate sr.68001

+1 cc to A.Madhumathi Advocate sr.67805

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2015

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