

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.25702 of 2015
and M.P.No.1 of 2015

Gajendran

.. Petitioner

Vs

Rajeswari

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the learned I Additional Judge, Family Court, Chennai to conduct enquiry by receiving counter in M.P.No.513 of 2014 in M.C.No.548 of 2006 from the respondent who is the petitioner herein by following the procedure and to proceed further in both the petitions pending before court below.

For Petitioner : Mr.S.Jaganathan

ORDER

This Criminal Original Petition has been filed to direct the learned I Additional Judge, Family Court, Chennai to conduct enquiry by receiving the counter in M.P.No.513 of 2014 in M.C.No.548 of 2006 from the respondent, who is the petitioner herein, by following the procedure and to proceed further in both the petitions, pending before the court below.

2. Heard the learned counsel for the petitioner.

3. The respondent wife filed M.C.No.548 of 2006 before the I Additional Family Court, Chennai under Section 125 Cr.P.C., against the petitioner/husband and by an order dated 18.08.2007, passed by the learned I Additional Principal Judge, Family Court, Chennai, the petitioner/husband was directed to pay a sum of Rs.500/- as maintenance to the respondent/wife every month. It is seen that the petitioner did not make the payment. Therefore, on 06.08.2014, the respondent/wife filed a petition in M.P.No.513 of 2014 in M.C.No.548 of 2006 under Section 123(3) Cr.P.C., for execution of the order dated 18.08.2007.

4. It is the contention of the petitioner/husband that the respondent/wife can utmost claim maintenance of arrears only for a period of one year from the date of its due and not for the period before it. The learned counsel for the petitioner/husband submitted that he may be permitted to file a counter in M.P.No.513 of 2014 in M.C.No.548 of 2006 before the I Additional Family Court, Chennai so that he can urge all these aspects before the Court.

5. Accepting his submissions, this Court directs the petitioner/husband to file a counter in M.P.No.513 of 2014 in M.C.No.548 of 2006 before the I Additional Family Court, Chennai within two weeks from the date of receipt of a copy of this order and the trial Court shall take on file the counter and pass orders in accordance with law in M.P.No.513 of 2014 in M.C.No.548 of 2006 on the file of I Additional Family Court, Chennai.

6. With the above direction, this Criminal Original Petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ds

To:

The I Additional Judge,
Family Court,
Chennai.

+1 CC to MR. S.Jaganathan Advocate. SR.NO. 58208

WEB COPY

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CO-VD
JD 05/11/2015