



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Cr1.R.C.(MD)No.175 of 2015

and

M.P.(MD)No.1 of 2015

Rajaram

... Petitioner

Vs.

R.Rajeswari

... Respondent

PRAYER: This Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the order dated 06.01.2015 made in Cr.M.P.No.247 of 2014 in M.C.No.127 of 2014 on the file of the Family Court, Madurai.

For Petitioner : Mr.A.Velan of M/s.Ajmal Associates

For Respondent : Mr.A.K.Azharsamy

ORDER

The petitioner is the husband of the respondent. The respondent filed M.C.No.127 of 2014 on the file of the Family Court, Madurai, claiming maintenance and the case is still pending.

2.Whileso, the respondent filed I.A.No.247 of 2014 before the Lower Court, seeking attachment of the retirement benefits of the petitioner. By order dated 06.01.2015, the Lower Court took the view that if retirement benefits were disbursed, then the respondent herein would not be in a position to realize the maintenance amount, which may be ordered in future. The Court further proceeded to hold that it was just and necessary that the retirement benefit were not disbursed to the petitioner herein by the Commissioner of Police, Madurai City, who is the employer of the petitioner. Accordingly, the Lower Court has issued a direction to the Commissioner of Police, Madurai City, not to disburse the retirement benefit of the petitioner until further orders. Challenging the said order, the petitioner is before this Court with this Criminal Revision Petition.

3.I have heard the learned counsel for the petitioner and the learned counsel for the respondent and I have also perused the records carefully.

4.The question whether the respondent is entitled for maintenance or not is yet to be decided. No interim order for maintenance has been passed. Apart from that retirement benefits are paid to a retired employee for his sustenance. Whileso, I do not understand as to how the Lower Court could issue a direction to the Commissioner of Police not to disburse the retirement benefits to the petitioner. Thus, I hold that the impugned order is wholly without jurisdiction and therefore, the same is liable to be set aside.



5. In the result, the Criminal Revision Petition is allowed and the impugned order dated 06.01.2015 in Cr.M.P.No.247 of 2014 is set aside. Consequently, I.A.No.247 of 2014 on the file of the Family Court, Madurai shall stand dismissed. Consequently, connected M.P. is closed.

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Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court, Madurai.

+1cc to M/S.AJMAL ASSOCIATES, in SR.No. 33568

Nbj

SR : 14.07.2015 : 2p/3c

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