

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.27817 of 2015

ORDER:

Heard learned counsel on either side.

This writ petition is filed seeking to declare the action of the respondent authorities in proposing to disburse/release all the retirement/service benefits pertaining to the 4th respondent despite warrant of attachment of his salary, as arbitrary and illegal.

The petitioner is the wife of the 4th respondent, who is an employee, in the respondent-Company. She filed M.C.No.28 of 2003 under Section 125 Cr.P.C. before the Additional Judicial Magistrate of First Class, Karimnagar, seeking maintenance and an amount of Rs.500/- per month was awarded, which was subsequently enhanced to Rs.4,000/-. The 4th respondent failed to pay the maintenance and the same became due to a tune of Rs.1,97,000/-. The petitioner filed Crl.M.P.No.682 of 2015 seeking enforcement of the order of maintenance. Learned Magistrate directed the 3rd respondent to deduct the amount from the salary of the 4th respondent as per Section 60 of

CPC and remit the same to the credit of M.C.No.28 of 2003.

The present writ petition is filed seeking a direction to the respondent authorities not to pay the pensionary benefits to the 4th respondent as the maintenance has become due to the petitioner.

In exercise of the jurisdiction under Article 226 of the Constitution of India, this Court cannot direct the respondents not to pay the retiral benefits to the 4th respondent. The petitioner has to seek appropriate directions from the Magistrate Court, which passed the order of maintenance.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition stand closed.

JUSTICE R.KANTHA RAO

1st September, 2015
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