

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.5441 of 2016

Kalpana

.. Petitioner

.. Vs ..

R.Karunakaran

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to pass a direction directing the I Additional Family Court, to dispose in M.C.No.362 of 2010 within stipulated time.

For Petitioner : Mr.L.Rajendran

ORDER

The petitioner has come forward with the present petition seeking to issue a direction to the learned I Additional Family Judge, Chennai, to dispose the case in M.C.No.362 of 2010 within a stipulated time.

2. The learned counsel for the petitioner submitted that the petitioner/wife has filed a petition in H.M.O.P.No.2915 of 2007 seeking divorce and the same was ordered by the learned I Additional Family Judge, Chennai, on 13.04.2010. Subsequently, the petitioner/wife has filed a petition in M.C.No.362 of 2010 under Section 125 of Cr.P.C., claiming maintenance from the respondent/husband and in the said petition, an ex-parte order was passed on 15.06.2011. Thereafter, the respondent/husband has filed a petition in M.P.No.660 of 2011 in M.C.No.362 of 2010 seeking to set aside the ex-parte order dated 15.06.2011 passed by the learned I Additional Family Judge, Chennai, and the same was allowed. It is further submitted by the learned counsel for the petitioner that in order to drag on the proceedings, the respondent/husband has filed a petition in M.P.No.67 of 2014 in M.C.No.362 of 2010 seeking to issue subpoena to the Management of Mariyalaya Magalir Nala Maiyam, MMNM Social Service Society, to produce some documents viz., 1) Appointment order of the petitioner/wife; 2) Salary details and 3) Employee details of the petitioner and hence, the petitioner has come forward with this petition for the above stated relief.

3. Notice to the respondent is dispensed with.

4. Considering the submissions made by the learned counsel for the petitioner and also taking into consideration the fact that the petition filed by the petitioner/wife under Section 125 of Cr.P.C., claiming maintenance against the respondent/husband is pending for the past six years, this Court is of the view that it is a fit case to issue a direction to the learned I Additional Family Judge, to dispose the case. Accordingly, the learned I Additional Family Judge, Chennai, is directed to dispose of the case in M.C.No.362 of 2010, within a period of two months from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrl

To
I Additional Family Judge,
Chennai.

+ 1 cc to Mr.L. Rajendran, Advocate Sr.16826

CRL.O.P.No.5441 of 2016

SCD(CO)
Eu 29.03.16

सत्यमेव जयते

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