

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision Case No.349 of 2015

1. Usha
2. Dhuraimurugan ... Petitioners

Vs

Manikandan ... Respondent

Prayer:- This Criminal Revision Case has been filed under Section 397 & 401 of Cr.P.C. to set aside the order in C.M.P.5851 of 2013 dated 17.03.2015 on the file of learned District Muncif cum Judicial Magistrate No.1 Ulundurpet.

For petitioners : Mr.N. Santhosh

For Respondent : Mr.C.Prakasam

O R D E R

The first petitioner is the wife of the respondent. She filed an application in C.M.P.5851 of 2013 under Section 125(3) Cr.P.C. for recovery of arrears of maintenance. The Court below passed an order allowing the application, thereby directing the petitioners to produce the details of the properties both movable and immovable under Section 421 Cr.P.C. within a period of 15 days. Challenging the same, the present Criminal Revision Case has been filed on the ground that the respondent does not possess any immovable or movable property. In the above circumstances, the petitioners are not in a position to submit the list of movable and immovable properties.

2. I have heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondent and perused the materials available on record.

3. The Court below allowed the application filed by the petitioners and directed them to file a list of movable and immovable properties as contemplated under Section 421 Cr.P.C. Now, the learned counsel appearing for the petitioners submitted that the respondent does not possess any movable or immovable properties for attachment. In the above circumstances, the petitioner is at liberty to approach the Civil Court and file necessary application setting out the above said facts and on filing the such application, the trial

Court is directed to consider the same and proceed with the same as contemplate under Section 125(3) Cr.P.C.

4. With the above observation, the Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(CS VIII)

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To Sub Assistant Registrar

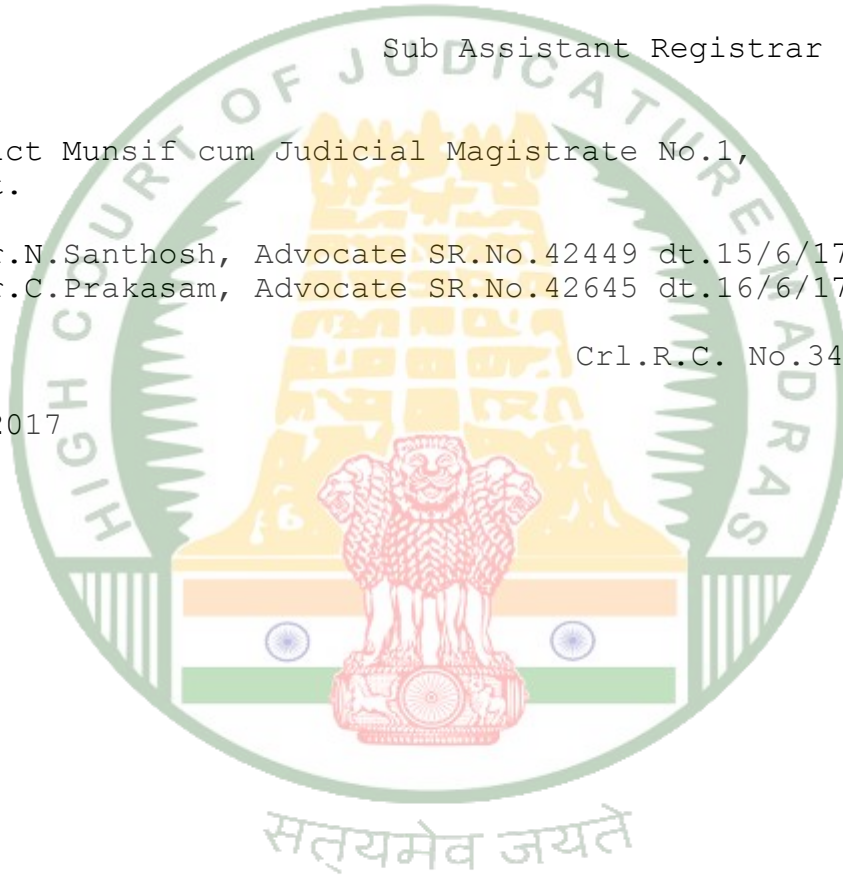
The District Munsif cum Judicial Magistrate No.1,
Ulundurpet.

+1cc to Mr.N.Santhosh, Advocate SR.No.42449 dt.15/6/17

+1cc to Mr.C.Prakasam, Advocate SR.No.42645 dt.16/6/17

Cr1.R.C. No.349 of 2015

AP (CO)
sm:30.11.2017



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