



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.O.P.(MD)No.5471 of 2017

Kuppusamy : Petitioner / Respondent

-Vs-

1.K.Radhika

2.Minor K.Harshini

: Respondents / Petitioners

(The second respondent is a minor
represented by her mother and natural
guardian 1st respondent herein)

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying to direct the Chief Judicial Magistrate Court, Karur to dispose the case in M.C.No.36 of 2015 within the stipulated period.

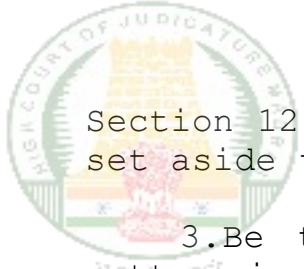
For Petitioner : Mr.G.Marimuthu

For Respondents : Mr.M.Vivekanandan

O R D E R

This petition is filed for issuing a direction to the learned Chief Judicial Magistrate Court, Karur, to dispose of the case in M.C.No.36 of 2015 within the time stipulated by this Court.

2.The learned counsel appearing for the petitioner states that the petitioner is the respondent in the case in M.C.No.36 of 2015 on the file of the Chief Judicial Magistrate Court, Karur. The first respondent is the wife and the second respondent is the petitioner's minor daughter. It is not in dispute that M.C.No.36 of 2015 was filed by the wife for maintenance. However, the learned counsel appearing for the wife stated that earlier there was an *ex parte* order by which the petition itself was allowed. The learned counsel appearing for the petitioner submitted that the *ex parte* order was later set aside and the same was restored to file. The learned counsel appearing for the respondents submitted that there is no provision in Criminal Procedure Code to file a petition to set aside the *ex parte* order. The learned counsel appearing for the petitioner relied upon



Section 126(2) of Cr.P.C. which clearly empowers the Magistrate to set aside the order.

3. Be that as it may. Having regard to the fact that the matter is pending before the learned Chief Judicial Magistrate Court, Karur, from 2015 and it would be in the interest of wife also to issue a direction to dispose of the case expeditiously. Hence, this Court is inclined to allow this petition and accordingly, this Criminal Original Petition is allowed. The learned Chief Judicial Magistrate, Karur, is directed to dispose of M.C.No.36 of 2015, within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate Court,
Karur.

+1 cc to Mr.G.Marimuthu , Advocate in SR.No. 72084

SRM

AE/JC/SAR3/29.08.2017/2P/3C

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