

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.12750 of 2018

R.Subha

... Petitioner

Vs.

S.T.S.Madhanlal

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to pass an order to dispose the M.C.No.113/2017 on the file of the V Additional Family Court, Chennai within stipulated time.

For Petitioner : Mr.R.Lakshmanan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioner/Wife has filed a petition in M.C.No.113 of 2017 on the file of the V Additional Family Court, Chennai under Section 125 Cr.P.C. against her husband Madhanlal. Since, Madanlal did not appear despite notice, he was set exparte on 19.01.2018 and the case was posted for exparte evidence on 08.02.2018. Under such circumstances, the petitioner has filed the present petition with the above prayer.

2 This Court called for report from the V Additional Family Court, Chennai and the learned Family Court Judge has sent a report dated 11.05.2018, wherein it is stated as follows:

P.N.PRAKASH, J.
rpl

"3. Thereafter, the petitioner has not submitted her proof affidavit on 08.02.2018, 09.03.2018 and on 12.04.2018 for taking exparte evidence on her side. The respondent namely Mr.S.T.S.Madhanlal submitted an affidavit and petition on 12.04.2018 u/s 126(2) of Cr.P.C. in M.P.No.379 of 2018 to set exparte order. On the same day the copies of the affidavit and petition were furnished to Smt.Subha, the petitioner in M.C.No.113 of 2017 and it was posted for filing the

counter by her on 23.04.2018. On 23.04.2018 the petitioner in M.C.No.113 of 2017 has not submitted her counter and hence this Court adjourned the case for filing the counter on 25.07.2018.

4. I Further humbly submit that in view of non filing of counter by the petitioner in M.C.No.113 of 2017 the delay has been caused. I most humbly submit this report and oblige."

3 From a reading of the above report, it is seen that the petitioner/wife has not filed counter in M.P.No.379 of 2018 till date. Therefore, the petitioner is directed to file a counter in M.P.No.379 of 2018. The trial Court is directed to dispose of M.C.No.113 of 2017 within a period of six months from the date of receipt of a copy of this order, provided there is no other legal impediment.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpl

To

The V Additional Family Court,
Chennai.

+1cc to M/S.R.Lakshmanan, Advocate Sr.53155

CrI.O.P.No.12750 of 2018

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srg 13/08/2018