

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24750 of 2010
and
M.P.No.1 of 2010

V.Rajendran

... Petitioner

Vs.

1.Cholaiammal

2.Sujatha (Major Spastic Person),

Rep. by Mother Guardian/

1st Respondent

...Respondents

PRAYER:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the learned I Additional Judge, Family Court, Chennai to consider the petition in M.P.No.532 of 2010 filed by the petitioner to re-call the Non-Bailable Warrant issued in M.P.No.76 pf 2010 in M.C.No.4 of 2008 against the petitioner and to give an opportunity to the petitioner to defend the petition for maintenance in M.C.No.4 of 2008, and to stay of all further proceedings in M.C.No.4 of 2008 on the file of I Additional Family Court, Chennai.

For Petitioner : No appearance

For Respondents : No appearance (Not ready)

सत्यमेव जयते
O R D E R

This Criminal Original Petition is filed to to direct the learned I Additional Judge, Family Court to consider the petition in M.P.No.532 of 2010 filed by the petitioner to re-call the Non-Bailable Warrant issued in M.P.No.76 pf 2010 in M.C.No.4 of 2008 against the petitioner and to give an opportunity to the petitioner to defend the petition for maintenance in M.C.No.4 of 2008.

2.The learned counsel appearing for the petitioner have not appeared in the above case. Despite, the case has been posted under the caption "For dismissal" on 22.06.2018.

3. On a perusal of the adjudication, it could be seen that the petitioner is not serious in pursuing the above case. The case has been adjourned several times for non-appearance of the petitioner. Private notice is ordered to the respondents, but no steps have been taken by the petitioner. By order dated 13.06.2018, this Court had made it clear that the Interim stay is not in force and directed the Lower Court to proceed with the case. This is the case arising of maintenance, under Section 125 of the Code of Criminal Procedure. The respondents are estranged wife and minor daughter of the petitioner.

4. Hence, the case is dismissed for non-prosecution. Further, if any records have been received from the Trial Court, the same is to be sent back immediately to the Trial Court and the Lower Court is directed to dispose off the maintenance case, within three months from the date of receipt of the records of this Court. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The I Additional Judge,
Family Court, Chennai.

Crl.O.P.No.24750 of 2010

SVI (CO)
CS/12/07/18

सत्यमेव जयते

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