

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.1609 of 2018
and
Crl.M.P.No.603 of 2018

K.Vijaya Kumar .. Petitioner

Vs.

V.Malarvizhi .. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order passed by the learned V Addl. Judge Family Court, Chennai on 23.11.2017 in M.P.No.569 of 2017 in M.C.No.10 of 2012.

For Petitioner : Mr.T.S.N.Prabhakaran

ORDER

The prayer sought for in this petition to set aside the order passed by the learned V Addl. Judge Family Court, Chennai on 23.11.2017 in M.P.No.569 of 2017 in M.C.No.10 of 2012.

2. It is submitted by the learned counsel for the petitioner that he has his defence in the maintenance case and that he has been deprived of an opportunity to prove that his wife is not entitled for the maintenance.

3. On a perusal of the impugned order, I do not find any infirmity in the order. However, since the petitioner seeks one last opportunity and has made a sympathetic prayer, I am of the view that an opportunity can be extended to the petitioner to examine himself and his mother.

4. Furthermore, by redirecting the examination, no prejudice would be caused to the respondent nor to the trial Court. Hence, the order dated 23.11.2017 passed in M.P.No.569 of 2017 in M.C.No.10 of 2012 on the file of the learned V Addl. Judge Family Court, Chennai is set aside. Consequently, the

petitioner is permitted to examine himself and his mother within a period of one week from the date of receipt of a copy of this order. It is made clear that the petitioner will not be given any further opportunity in this regard.

With the above observation, the Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dh

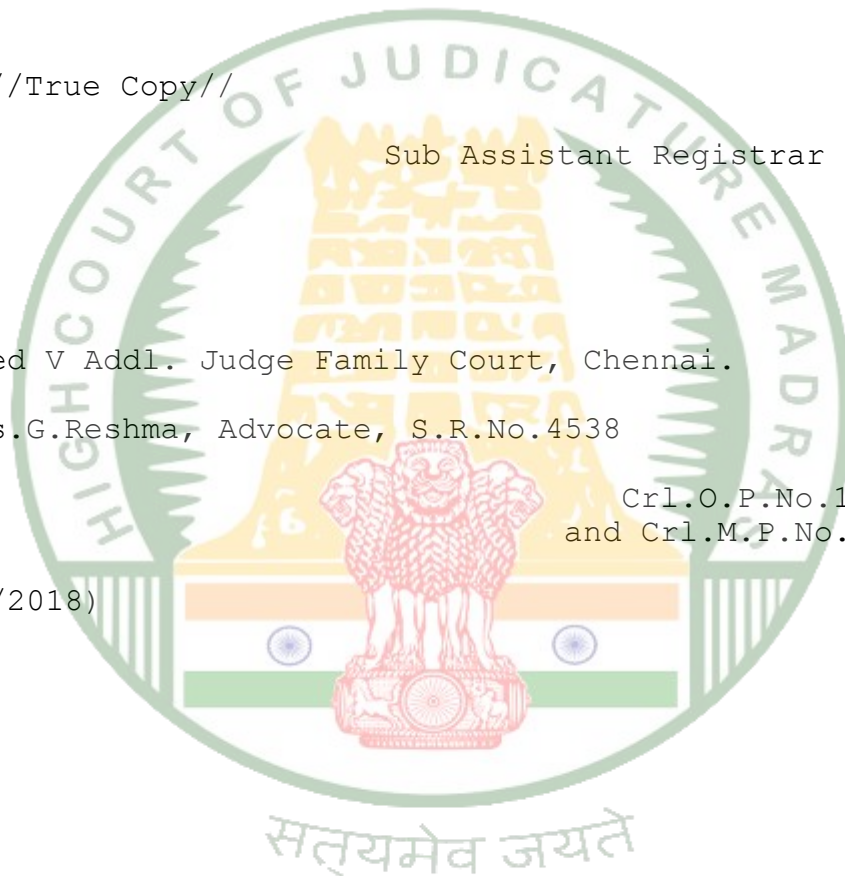
To

The learned V Addl. Judge Family Court, Chennai.

+lcc to Ms.G.Reshma, Advocate, S.R.No.4538

CrI.O.P.No.1609 of 2018
and CrI.M.P.No.603 of 2018

SS(CO)
RRK(22/01/2018)



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