

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Crl.R.C.No.1178 of 2017 and Crl.M.P.No.11234 of 2017
and Suo Motu Contempt Petition No.910 of 2018

Crl.R.C.No.1178 of 2017

T.Yessian ... Petitioner/Appellant/Respondent

-VS-

Y.Malarvizhi ... Respondent/Petitioner/Petitioner

Prayer: Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C., praying to set aside the order passed by the Principal Family Court, Coimbatore in CMP No.232 of 2016 in M.C.No.179 of 2016 dated 27.06.2017 by directing the appellant to pay interim maintenance of Rs.7,000/- per month to the respondent as illegal and perverse and may pass such further or other orders as may deem fit and thus render justice.

For Petitioner : Mr.R.Y.George Williams

For Respondent : Mr.C.R.Malarvanan

Suo Motu Contempt Petition No.910 of 2018

1. The Accountant General,
Chennai-18.

2. The Additional Director,
Survey and Land Records,
Chennai-5.

3. The Assistant Director of Survey and Land Records,
Namakkal District.

... Contemnors

Prayer: Suo Motu Contempt Proceedings initiated against the contemnors herein as per order of the Hon'ble Court dated 28.03.2018 made in Crl.R.C.No.1178 of 2017 and Crl.M.P.No.11234 of 2017.

For Contemnor No.1 : Mr.Vijay Shankar for Accountant
General at Chennai and
Mr.P.Gunasekaran for Accountant
General at Madurai

For Contemnor Nos.2 & 3 : Mr.Elumalai,
Govt. Advocate and
Mr.K.Suyambulinga Bharathy,
Govt. Advocate

COMMON ORDER

These matters are taken up today through video conferencing.

2. The criminal revision petition has been filed by the petitioner/husband against the order of interim maintenance awarded by the Family Court, Coimbatore in CMP No.232 of 2016 in M.C.No.179 of 2016 dated 27.06.2017.

3. When the matter was taken up for hearing on 05.02.2018, the petitioner had submitted that if the terminal benefits are settled, he is ready to pay the arrears due to the respondent / wife and therefore, the employers of the revision petitioner, namely, the Additional Director, Survey and Land Records, Chennai-5 and The Assistant Director of Survey and Land Records,

Namakkal District were directed to disburse the terminal benefits of the revision petitioner. Thereafter, on 13.03.2018, it was represented by the employers of the revision petitioner that they had already sent the proposal to the Accountant General, Chennai for approval and the same is pending and hence, in the interest of justice, the Accountant General, Chennai was directed to pass orders on the proposal within one week. Since the directions issued by this Court were not complied with, this Court, by order dated 28.03.2018, initiated suo motu contempt proceedings against the Accountant General, Chennai-18, the Additional Director, Survey and Land Records, Chennai-5 and the Assistant Director of Survey and Land Records, Namakkal and issued contempt notice to the contemnors for non compliance of the direction issued by this Court in Crl.R.C.No.1178 of 2017 in Crl.M.P.No.11234 of 2017.

4. Consequent to the said order, Mr.R.Jambunathan, Deputy Accountant General on behalf of the Accountant General / 1st contemnor has appeared before the Principal Seat and his appearance is recorded through video conferencing. Mr.A.Mohamed Lokman, Assistant Director, District Survey Office, Namakkal / 3rd contemnor is present in person before this Bench along with records.

5. Mr.Vijay Shankar and Mr.P.Gunasekaran, learned Standing Counsel for Account General, Chennai would submit that the proposal sent by the Additional Director, Survey and Land Records, Chennai-5 and the Assistant Director of Survey and Land Records, Namakkal was approved by the Accountant General as early as on 22.03.2018 itself and to that effect, a copy of authorisation is produced before this Court

6. It is represented by the Assistant Director of Survey and Land Records, Namakkal that pursuant to the approval, a sum of Rs.1,39,547/- has been paid to the revision petitioner and the balance sum of Rs.5,56,916/- will be paid within a period of one week.

7. This Court is satisfied with the approval given by the Accountant General and records produced by the the Assistant Director of Survey and Land Records, Namakkal, regarding payment of arrears of terminal benefits to the revision petitioner. It is stated by the revision petitioner that out of the amount of Rs.1,39,547/-, the revision petitioner has already paid Rs.64,000/- towards arrears of maintenance to the respondent / wife and the same has been confirmed by the learned counsel for the respondent.

8. In the result,

a) the suo motu contempt petition is closed and the contemnors are discharged from the contempt proceedings;

b) the criminal revision petition is disposed of, pursuant to the payment of arrears of interim maintenance by the petitioner to the respondent/wife;

c) the revision petitioner is directed to continue to pay the interim maintenance as ordered by the Trial Court on or before 5th of every succeeding month;

d) the Trial Court is directed to dispose of M.C.No.179 of 2016 within a period of one month from the date of receipt of a copy of this order without granting any adjournment to either parties;

e) the respective parties are directed to extend their fullest cooperation for early disposal of the case in M.C.No.179 of 2016.

No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes / No
Internet: Yes / No
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M.V.MURALIDARAN,J
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To:

1. Principal Family Court,
Coimbatore.
2. The Accountant General,
Chennai-18.
3. The Additional Director,
Survey and Land Records,
Chennai-5.
4. The Assistant Director of Survey and Land Records,
Namakkal District.

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