



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.5038 and 5039 of 2018
IN
CRL RC(MD) No.363 of 2018

MURUGESAN

... PETITIONER
IN BOTH THE PETITIONS

Vs

MEENACHI

... RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD) No.5038 of 2018 IN CRL RC(MD) No.363 of 2018:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to grant an order of Interim Stay of the operation of the order dated 24/10/2017 made in Cr.M.P.No.394/2017 in M.C.No.63/2015 on the file of the Honourable Family Court, Tiruchirappalli pending disposal of the above Crl.R.C.

Prayer in CRL MP(MD) . 5039/ 2018 IN CRL RC(MD) No.363 of 2018:

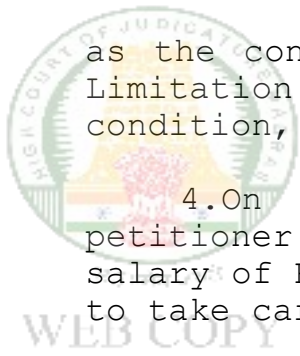
To grant an order of Interim Stay of the operation of the consequential order dated 30/01/2018 made in Cr.M.P.No.1132/2016 in M.C.No.63/2015 on the file of the Honourable Family Court, Tiruchirappalli pending disposal of the above Crl.R.C.

ORDER : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.N.TAMILINIAN, Advocate for the petitioner in both the petitions and of Mr.T.VADIVELAN behalf of the Respondents in both the petitions, the court made the following order:-

These petitions are filed against the order passed by the Family Court, Tiruchirappalli, dated 24.10.2017 and 30.01.2018, made in Cr.M.P.No.394 of 2017 in M.C.No.63 of 2015 and Cr.M.P.No.1132 of 2016 in M.C.No.63 of 2015 respectively.

2.The Family Court, Tiruchirappalli has passed an order, directing the petitioner to pay a sum of Rs.4,000/- per month to the respondent from 22.05.2013 onwards.

3.On the side of the petitioner, it is stated that the Family Court, Tiruchirappalli, has passed an order on 12.10.2017, directing the petitioner to pay a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) on or before 23.10.2017 in Cr.M.P.No.394 of 2017,



as the condition for allowing the petition under Section 5 of the Limitation Act. Since, the petitioner has not complied with the said condition, Cr.M.P.No.394 of 2017 came to be dismissed.

4.On the side of the petitioner, it is stated that the petitioner is earning only Rs.10,000/- per month and deducting the salary of Rs.4,000/- is excess of jurisdiction as the petitioner has to take care of his aged parents and prayed the orders to be stayed.

5.On the side of the respondent, it is stated that the petitioner has not paid a single paise from the date of filing of the Maintenance Case and the lower Court while disposing the Criminal Miscellaneous Petition has ordered, deduction of salary and prayed that these petitions may be dismissed.

6.Records Perused.

7.It is stated that the lower Court has passed a consequential order dated 30.01.2018, what is the consequential order is not stated in these petitions. Only copy of the order attaching the salary, passed by the Family Court in Cr.M.P.No.1132 of 2016 is filed. From the records, it is seen that the petitioner has not paid any amount for maintenance. The maintenance is a relief for the survival of his family.

8.In such circumstances, whether the petitioner is having any chance for success in Revision Case cannot be decided at this stage. There is no merit in these petitions. Hence, these Petitions are dismissed.

sd/-
04/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

To

THE JUDGE, FAMILY COURT, TIRUCHIRAPPALLI.

+1. C.C. to Mr.T.VADIVELAN Advocate SR.No. 71095

ORDER IN
CRL MP(MD) Nos.5038 and
5039 Of2018
IN
CRL RC(MD) No.363 of 2018
Date :04/07/2018

TK/MMS/VK/13.07.2018/2P-3C