

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.03.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.726 of 2019
and
Crl.M.P.No.455 of 2019

1. S.Nisha

2. S.Sanjitha @ Sajitha (Minor)
Rep.by her mother S.Nisha

... Petitioners

Vs.

M.Srirangan @ Rangan

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the docket order dated 25.10.2018 passed in the pending M.C.No.455 of 2015 before the V Additional Family Court, Chennai.

For Petitioners : Mr.P.T.Rakesh

For Respondent : Mr.A.L.Ramamoorthy

ORDER

This Criminal Original Petition has been filed seeking to set aside the docket order dated 25.10.2018, passed in the pending M.C.No.455 of 2015 before the V Additional Family Court, Chennai.

2. It is seen that a Maintenance case has been filed by the petitioner in the year 2015 and the learned V Additional Family Court, Chennai, have also taken the petition on file and numbered as M.C.No.455 of 2015. After a period of three years, the Trial Court has passed an order dated 25.10.2018, which is extracted hereunder:-

"On verification of the counter filed by the respondent, it is found that the respondent pleaded that the earlier marriage of the 1st petitioner with Mr.Sakthivel is subsisting. Hence to decide the issue of maintainability of this M.C., oral and documentary evidence is necessary. Hence both parties are directed to produce oral and documentary evidence on the issue of the maintainability of the M.C. c/o.13.11.2018."

3. It is very unfortunate to state here that once the matter has been taken on file, no question of posting the matter for Maintainability. Therefore, the said order cannot be sustained and the same is set aside.

4. In view of the above, the Trial Court is directed to complete the entire trial proceedings within a period of three months from the date of receipt of a copy of this order, and if any petition is filed for Interim Maintenance, it has to be decided on merits within a period of four weeks from the date of receipt of a copy of this order, after giving opportunity to both the parties and after recording evidence, if necessary.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vv2/raja

To

The V Additional Judge, Family Court,
Chennai.

+1 cc to Mr.P.T.Rakesh, Advocate Sr.No.24072

Cr1.O.P.No.726 of 2019
and

Cr1.M.P.No.455 of 2019

NMI (CO)
CSL/10.04.2019

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