

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.03.2019
CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.5614 of 2019
and Crl.M.P.No.3184 of 2019

Anoop. K.

... Petitioner/Respondent

Vs.

1. Dr.Simna S.P.
2. Ashmika A. Nambiar (Minor)
(Rep. by her mother
Dr.Simna S.P.)

...Respondents/Petitioners

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. 1973 praying to set aside the order passed in M.P.No.1193 of 2018 in M.C.No.448 of 2018 dated 05.02.2019 on the file of the learned I Additional Family Court Judge at Chennai, by allowing this present Criminal Original Petition.

For Petitioner : Mr. Jayaprakash
For Respondents: Mr.S.Namasivayam

O R D E R

This petition has been filed to set aside the order dated 05.02.2019 passed by the learned I Additional Family Court Judge, Chennai, in M.P.No.1193 of 2018 in M.C.No.448 of 2018.

2. It is seen that the first respondent is the wife of the petitioner and she filed a maintenance case in M.C.No.448 of 2018 before the learned I Additional Family Court Judge, Chennai. While pending the said case, she filed a petition in M.P.No.1193 of 2018 to direct the petitioner/husband to return the original documents such as Passport, Aadhar card, Driving licence of the first respondent and Passport, birth certificate and OCI Card of the second respondent etc. The learned I Additional Family Court Judge, Chennai by an order dated 05.02.2019 directed the petitioner/husband to hand over all the documents to the first respondent/wife. Aggrieved over the same the present petition has been filed by the petitioner/husband.

3. The learned counsel appearing for the petitioner submitted that the petitioner is not in possession of the original Aadhar card and Driving licence of the first respondent/wife and while leaving the matrimonial house, she has taken the said documents. Hence, he prayed to set aside the order dated 05.02.2019 passed by the learned I Additional Family

Court Judge, Chennai, in M.P.No.1193 of 2018 in M.C.No.448 of 2018.

4. The learned counsel appearing for the respondents submitted that for getting admission in School to the second respondent the documents such as Passport, birth certificate and OCI Card of the second respondent are inevitable, and therefore, the learned Judge rightly directs the petitioner/husband to hand over the same to the first respondent/wife. Hence he prayed for dismissal of the present petition.

5. Heard Mr.R.Jayaprakash, learned counsel appearing for the petitioner and Mr.S.Namasivayam, learned counsel appearing for the respondents.

6. This Court finds no ground to set aside the entire order passed by the Court below. Considering the submission made by the learned counsel appearing for the petitioner, this Court is inclined to modify the order to the effect that the petitioner/husband is directed to hand over the Passport, birth certificate and OCI Card of the second respondent alone to the first respondent/wife within a period of one week from the date of receipt of copy of this Order.

7. With the above modification, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Judge,
I Additional Family Court
Chennai

+1cc to Mr.S.Namasivayam, Advocate sr.no.29245

CRL.O.P.No.5614 of 2019
and Crl.M.P.No.3184 of 2019

nr 28/03/2019