

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL MISCELLANEOUS PETITION No.13268 of 2019

IN CRL.OP.NO.10296 OF 2019

1 ROSELIND ANDREW
2 TINA NIXON

[PETITIONERS]

Vs

1 MARY RINI GEORGE
2 A.J.PRINCE

[RESPONDENTS]

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the conditional order passed by this Honourable Court in 16.04.2019 in Crl.OP.No.10296 of 2019 and Crl.MP.5345/2019 directing the 2nd respondent herein to deposit a sum of Rs.5,000/- before 5th of every English Calendar month to the Credit of D.V.C.No.8 of 2019 on the file of the XVII Metropolitan Magistrate, Saidapet as ad-interim maintenance without prejudice to both the parties

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. R.SHANMUGAM, Advocate for the petitioner and of M/S.S.NAMBI AROORAN on behalf of the Respondent the court made the following order:-

This criminal miscellaneous petition has been filed to modify the conditional order dated 16.04.2019 in Crl.O.P.No.10296 of 2019 directing the second respondent herein to deposit a sum of Rs.5,000/- before 5th of every English calendar month.

2. This court in Crl.O.P.No.10296 of 2019 had passed an interim order dispensing with the petitioners therein on a condition, which is extracted hereunder:

"...Therefore, the presence of the petitioners are dispensed with pending disposal of Criminal Original Petition, on condition that, they shall ensure that the first petitioner's children / husband of the respondent shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) before 5th of every English Calendar month to the credit of D.V.C.No.8 of 2019 on the file of the XVII Metropolitan Magistrate Saidapet as ad-interim maintenance, without prejudice to both the parties....."

3. However, now the petitioner has filed this petition to modify the said condition. When the above matter was posted before this Court, only after hearing the submissions of the counsel on either side, this Court imposed the said condition on the petitioners therein, and the said criminal original petition is yet to be disposed of. Therefore, this Court finds no merits in this petition as such at this stage the said condition cannot be modified.

4. With the above observations, this criminal miscellaneous petition is dismissed.

-sd/-
10/12/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

+C.C. to M/S. R.SHANMUGAM Advocate on payment of necessary charges SR NO.25474

+C.C. to M/S.S.NAMBI AROORAN Advocate on payment of necessary charges SR NO.25455

Order

in
CRL MP.13268/2019
in
CRL.OP.10296/2019

Date :10/12/2019

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MK:16/12/2019

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