

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.22775 of 2017

and

CrI.M.P.Nos.13281 and 13282 of 2017

R.Jayachandra Mouli

... Petitioner

Vs.

J.Jayanthi

.... Respondent

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in M.C.No.41 of 2004 pending on the file of the V Additional Judge, Family Court, Chennai and to set aside the order passed in M.P.No.907 of 2011 in M.C.No.41 of 2004, dated 03.10.2017.

For Petitioner : M/s.S.D.Venkateswaran

For Respondent : Mr.R.Sreerangan

O R D E R

This Criminal Original Petition has been filed challenging the order passed in M.P.No.907 of 2011 in M.C.No.41 of 2004, dated 03.10.2017 by the learned V Additional Judge, Family Court, Chennai and to set aside same.

2. Heard both sides and perused all the materials available on record.

3. It is seen that the maintenance case in M.C.No.41 of 2004 was filed by the respondent wife herein and on behalf of her minor son against her husband for maintenance at Rs.1,500/- p.m. to each under section 125 of CrPC and the same was allowed on the maintenance award for a sum of Rs.2,500/-. However, as against which, the petitioner has preferred the revision petition before this Court in CrI.R.C.No.281 of 2012 and this Court by an order dated 19.07.2012 allowed the revision and the First Additional Family Court, Chennai, was directed to dispose of the petition in M.P.No.846 of 2011 in M.C.No.41 of 2004, by setting aside the exparte order and without disposing of the

said petition, on the application filed by the respondent in M.P.No.907 of 2011 for the execution of the enhancement of the award amount, in which the V Additional Family Court issued Non-Bailable-Warrant for non payment of the award amount.

4. Considering the facts and circumstances of the case, the order passed in M.P.No.907 of 2011 in M.C.No.41 of 2004, dated 03.10.2017 passed by the learned I Additional Judge, Family Court, Chennai, is set aside. Accordingly, the Criminal Original Petition is allowed.

5. The V Additional Family Court is directed to comply with the order of this Court in Crl.R.C.No.281 of 2012 dated 19.7.2012 to dispose of the said application in M.P.No.846 of 2011 in M.C.No.41 of 2004, within a period of 30 days from the date of receipt of a copy of this order and on condition that the petitioner shall deposit a sum of Rs.1,00,000/- [Rupees One Lakh Only] to the credit of M.C.No.41 of 2004 within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the respondent is permitted to withdraw the said amount.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msm

To

1. The V Additional Judge, Family Court,
Chennai.

+2ccs to Mr.R.Sreerangan, Advocate, S.R.No.30706

+1cc to Mr.S.D.Venkateswaran, Advocate, S.R.No.30385

Crl.O.P.No.22775 of 2017

KK(CO)
SSM(01/04/2019).

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