

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26417 of 2017

and

CRL.M.P.No.15210 of 2017

Lakshmi

...Petitioner

Vs.

1. T.K.Sivanandhan

2. Kaliyappan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order dated 06.10.2017 made in C.M.P.No.1101 of 2017 in C.R.P. No.19 of 2017 on the file of the Principal Sessions Judge, Namakkal.

For Petitioner : Mr.C. Prabakaran

For 2nd Respondent : Mr.B.Vasudevan

ORDER

This Criminal Original Petition has been filed against the conditional order passed by the Principal Sessions Judge, Namakkal in the stay petition wherein the petitioner was directed to pay 50% of the arrears of maintenance to the 2nd respondent / father in three instalments within three months.

2. The 2nd respondent initiated proceedings against the petitioner and her brother seeking for maintenance and the Judicial Magistrate, Namakkal by order dated 01.09.2017, fixed the amount of maintenance at Rs.2,500/- per month payable from the date of filing of the petition. Aggrieved by the said order, the petitioner filed Criminal Revision Petition No.19 of 2017 before the Principal Sessions Court, Namakkal. Along with the revision petition, the petitioner also filed a stay petition to stay the operation of the order passed by the Judicial Magistrate, Namakkal. In the said stay petition, the conditional order was passed and aggrieved by the same, this petition has been filed.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the 2nd respondent.

4. It is brought to the notice of this Court that the petitioner has been complying with the order and is depositing 50% of the maintenance amount before the trial Court. It is also brought to the notice of this Court that the Criminal Revision Petition is pending till date without any progress.

5. In the facts and circumstances of the case, this Court is not inclined to interfere with the conditional order passed by the Court below and the said order is sustained.

6. This Criminal Original Petition is disposed of with a direction to the Principal Sessions Judge, Namakkal to dispose of C.R.P. No.19 of 2017 within a period of two months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To
The Principal Sessions Judge,
Namakkal.

+lcc to Mr.C.Prabakaran, Advocate, sr.no.48454

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NRL (CO)
RMP (09/07/2019)

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