

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
Crl.OP.No.34472 of 2019

Gomathi

... Petitioner

Vs.

V.Jeevanandam

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the learned IX Metropolitan Magistrate Court, Saidapettai to pass the consequential order in M.P.No.1570 of 2016 in pursuance to the order dated 25.04.2019 within the stipulated period fixed by this Hon'ble Court.

For Petitioner : Mr.P.Sesubalan Raja

ORDER

This petition has been filed by the petitioner to direct the learned IX Metropolitan Magistrate Court, Saidapettai to pass the consequential order in M.P.No.1570 of 2016 in pursuance to the order dated 25.04.2019 within the stipulated period fixed by this Hon'ble Court.

2. The learned counsel for the petitioner has submitted that the petitioner has filed an application under the Domestic Violence Act in M.C.No.83 of 2012 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai seeking maintenance and other reliefs. He further submitted that in the said case, the learned IX Metropolitan Magistrate, Saidapet, Chennai has passed an order on 05.02.2017 directing the respondent to pay a sum of Rs.55,000/- towards maintenance per month and as against the same, the respondent has filed revision in Crl.R.C.No.914 of 2016 and the same was dismissed by this Court on 22.09.2017. He further submitted that before that the petitioner herein has filed Crl.M.P.No1570 of 2016 for recovery of the said amount in which the learned IX Metropolitan Magistrate, Saidapet, Chennai has passed an order on 25.04.2019 directing the respondent to pay the balance arrears of interim maintenance at the rate of Rs.45,000/- within a period of three months and thereafter only on two occasions i.e., on 03.08.2019 a sum of Rs.25,000/- was paid and thereafter, on 14.10.2019 another sum of Rs.25,000/- was paid. The respondent has not paid the balance amount and the learned IX Metropolitan Magistrate, Saidapet, Chennai has also adjourned the matter mechanically. Therefore, he requests to direct the concerned Magistrate to dispose of the Crl.M.P.No1570 of 2016 at early.

3. A perusal of the diary extract shows that the learned IX Metropolitan Magistrate, Saidapet, Chennai has passed an order on 25.04.2019 directing the respondent to pay the balance arrears of interim maintenance due to the petitioners at the rate of Rs.45,000/- per month deducting the amount already paid by him within a period of three months from the date of receipt of that order. Further, the said extract shows that on 03.08.2019, the respondent has paid Rs.25,000/- and thereafter on 14.10.2019 he has paid another Rs.25,000/-, but, so far, he has not paid the balance arrears of the maintenance amount. Further, the learned IX Metropolitan Magistrate, Saidapet, Chennai also has adjourned the matter without considering the seriousness and nature of the petition. Since the petitioner is claiming maintenance, the concerned Magistrate is directed to dispose of the CrI.M.P.No1570 of 2016 within a period of one month from the date of receipt of a copy of this order.

4. With the aforesaid direction, this petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Vv
To

1. The IX Metropolitan Magistrate Court,
Saidapettai

+1cc to Mr.P.Susbalon Raja , Advocate SR.No. 851

CrI.O.P.No.34472 of 2019

A.SK(31/01/2020)

सत्यमेव जयते

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