



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.9435 of 2021
and W.M.P. (MD) No.7158/2021
(Through Video Conferencing)

Suseela

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu State Transport Corporation,
Registered Corporate Office,
TNSTC (Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam, Thanjavur District - 612 001

2.The General Manager,
Tamil Nadu State Transport Corporation
TNSTC (Kumbakonam) Ltd.,
Trichy Region, Periyamilagu Parai
(Opp to Collector Office), Cantonment,
Trichy 620 001.

3.A.Ammasai

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 & 2 to consider the petitioner's representation dated 06.05.2021 to pay the arrears of maintenance amount of Rs.3,49,500/- from the terminal benefits of the 3rd respondent PPO No.3631 kept under the pension benefit record No.95 DR-2067.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.P.Balasubramanian

Standing counsel for R1 & R2

ORDER

The writ petition has been filed for a mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 06.05.2021 to pay the arrears of maintenance amount of Rs.3,49,500/- from the terminal benefits of the third respondent.

2. The petitioner is the wife of the third respondent. It is admitted that the petitioner and the third respondent are not living together and the petitioner is living alone along with her daughter, who born out of the wedlock between the petitioner and the third respondent. The petitioner filed a maintenance petition before the Judicial Magistrate, Lalgudi in M.C.No.15/2004 and obtained an order



of maintenance for the petitioner and her daughter. As per the directions of the learned Judicial Magistrate, the petitioner is entitled for a sum of Rs.2,000/- per month from 15.02.2010 and her daughter also is entitled to a sum of Rs.2,000/- per month. The petitioner and her daughter are entitled to a sum of Rs.500/- from the date of petition till 15.02.2010. Thereafter the third respondent has challenged the order passed by the Judicial Magistrate, Lalgudi and the quantum was reduced in the appeal filed by the third respondent in Criminal Revision Petition No.50/2010 before the Additional District and Sessions Court, Trichy. Thereafter, the petitioner preferred Crl.R.C.No.828/2017 before this Court and the order of the Judicial Magistrate was once again restored by order of this Court dated 01.04.2021. Alleging that a sum of Rs.3,49,500/- is due towards maintenance, the present writ petition is filed before this Court.

3. This Court is unable to issue any direction to the respondent employer to withhold the amount, which is lying to disburse to the third respondent by way of retirement benefits. The petitioner can very well approach the Judicial Magistrate concerned under Section 125(3) of the Code of Criminal Procedure to enforce the order for maintenance.

4. In such circumstances, this Court is unable to grant any relief to the petitioner. The petitioner is directed to approach the concerned Judicial Magistrate for appropriate directions to recover the amount from the third respondent.

5. At this juncture, the learned counsel for the petitioner stated that the respondents 1 and 2 may be directed to withhold the terminal benefits till such time the petitioner approaches the Judicial Magistrate concerned for appropriate orders.

6. Considering the fact that the petition for maintenance was filed in the year 2004 and only a meagre amount was paid to the petitioner and her daughter towards maintenance by the third respondent, this Court, while dismissing the writ petition, directs the respondents 1 and 2 to withhold a sum of Rs.3,50,000/- for a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Managing Director,
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2.The General Manager,
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+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-18537[F] dated
13/05/2021)

W.P. (MD)No.9435 of 2021
12.05.2021

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RK(24.05.2021) 3P 4C