



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.13558 of 2021

Boornasamy

... Petitioner

Vs.

Karuppana Gounder

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Oddanchathram to number Cr.M.P.No.SR.No.3371 of 2021 in M.C.No.32 of 2005 filed under Section 127 of Cr.P.C.

For Petitioner : Mr.S.C.Herold Singh

O R D E R

The petitioner is the son of the respondent herein. The respondent had obtained an award of maintenance in M.C.No.32 of 2005. The petitioner's contention is that subsequently, his father was allotted property in a partition suit and the same was also sold by him for a sum of Rs.50,00,000/-.

2.In the light of the said development according to the petitioner, the maintenance award warrants alteration. In this regard, he filed a petition under Section 127 of Cr.P.C. His grievance is that the learned trial Magistrate is declining to number the same. Without expressing any opinion on the merits of the matter, the learned Judicial Magistrate, Oddanchathram, is directed to number the petition mentioned petition and dispose of it on merits and in accordance with law within a period of twelve weeks, after issuing notice to the respondent herein.

3.This criminal original petition is disposed of on these terms.

Sd/-

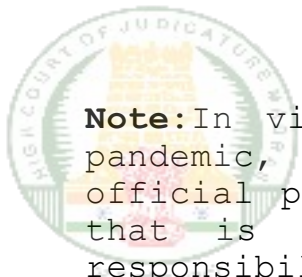
Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

PMU



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.

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To:

1.The Judicial Magistrate,
Oddanchathram, Dindigul District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-36232[F] dated
29/11/2021)

Crl.O.P. (MD)No.13558 of 2021
26.11.2021

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RS (09.12.2021) 2P 4C