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CrI.O.P.No.20661 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.20661 of 2023

1.Gayathiri,
W/o.G.Dharmaraja

2.Minor Dhiya,
D/o.G.Dharmaraja

... Petitioners

Vs.

1.G.Dharmaraja,
S/o.M.D.Gopalakrishnan

2.The Senior General Manager,
Heavy Vehicles Factory,
Avadi, Chennai-600054.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the second respondent to execute forthwith the distraint warrant of attachment dated 10.12.2021 issued by the learned Family Court, Chengalpattu in FCCMP No.92/2021 in FC MC No.33/2017.

For Petitioners

: Mr.G.Mageshkumar



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ORDER

This Criminal Original Petition has been filed for a direction to the second respondent to execute the distraint warrant of attachment issued by the learned Family Court, Chengalpattu in FCCMP No.92/2021 in FC MC No.33/2017 dated 10.12.2021 and thereby, recover the arrears of maintenance from the first respondent.

2. Heard Mr.G.Mageshkumar, learned counsel for the petitioners and carefully perused the materials available on record.

3. The petitioner filed a maintenance case against the first respondent in FC MC No.33/2017. This petition was ordered by the learned Family Court, Chengalpattu by order dated 01.12.2020 and a direction was given to the first respondent to pay a sum of Rs.15,000/- as maintenance from 19.12.2017 onwards. The petitioner claimed for arrears of maintenance and this petition was allowed by the Family Court, Chengalpattu and a direction was given to the second respondent to recover the amount as fine



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from the salary of the second respondent and to pay the maintenance to the petitioner.

4. The grievance of the petitioner is that the second respondent did not take any steps to recover the arrears of maintenance from the first respondent inspite of the order passed by the Court below. Left with no other option, the present petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is an order passed by a competent Court directing the first respondent to pay the maintenance to the petitioner and a distraint warrant has also been issued by the concerned Court, there shall be a direction to the second respondent to act upon the distraint warrant issued by the Family Court, Chengalpattu and proceed further in accordance with law. This process shall be completed by the second respondent within a period of four weeks from the date of receipt of the copy of this order.

6. This Criminal Original petition is disposed of with the above



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directions.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
pal/rka

To

1. The learned Family Court, Chengalpattu.
2. The Public Prosecutor, High Court, Madras



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N.ANAND VENKATESH, J.

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