



W.P.(MD)No.2165 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2165 of 2023

Leema Rosy

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu Government Transport Corporation,
Kumbakonam,
Thanjavur District.

2.The Managing Director,
Tamilnadu Government Transport Corporation,
Thirumayam Road, Pudukkottai.

3.John Peeter

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents to grant retirement benefits to the petitioner's husband namely John Peeter who is working as Sanitary Worker at the second respondent's office on the basis of her representation, dated 06.01.2023.

For Petitioner	: No Appearance
For R-1 & R-2	: Mr.K.Jagadees Balan
For R-3	: Mr.John Peter(Party-in-person)



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ORDER

This writ petition has been filed, to forbear the respondents to grant retirement benefits to the petitioner's husband namely John Peeter, who is working as a Sanitary Worker at the second respondent's office on the basis of her representation, dated 06.01.2023.

2. The case of the petitioner is that the third respondent is the husband of the petitioner. He worked as a Sanitary Worker at the office of the second respondent and he is having illicit intimacy with one lady, who is a folk singer. Due to which, there was some matrimonial dispute arose between the petitioner and the third respondent and subsequently, the third respondent neglected to take care of the petitioner and attacked her and threatened her with dire consequences, for which, a case in Crime No.19 of 2019 was registered against the third respondent on the file of All Women Police Station, Pudukkottai. Thereafter, the petitioner filed a Domestic Violence Petition before the Additional Mahila Court, Pudukkottai in D.V.C.No.3 of 2019 and the same was allowed on



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17.02.2021 with a condition to pay Rs.10,000/- per month to the petitioner as maintenance and Rs.2000/- as costs. However, without paying the said amount, the third respondent has filed an appeal in C.A.No.17 of 2021 on the file of the Principal District Court, Pudukkottai, in which, the order passed in the Domestic Violence Petition was modified, directing the third respondent to pay a sum of Rs.8,000/- as monthly maintenance. Thereafter also, the third respondent has not paid the maintenance amount. The grievance of the petitioner is that, she was deserted by the third respondent and therefore, due to financial constrain, she is finding it very difficult to mobilize amount even for her livelihood. While being so, the third respondent is going to retire on 28.02.2023. If the retirement benefits are disbursed in favour of the third respondent, he may spend the amount without valid reason. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. When the matter was taken up for hearing today, the learned counsel appearing for the petitioner absent.



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4. Heard the learned standing counsel appearing for the respondents 1 and 2 and the third respondent, who appeared in person.

5. The third respondent would submit that he is ready to pay whatever the amount payable to the petitioner and he has no illegal relationship with any lady. Admittedly, in the service records of the third respondent, the name of the petitioner is mentioned as nominee and he has no objection for depositing the amount as per the order of the Criminal Court and for conducting enquiry.

6. Considering the fair submission made by the third respondent, this Court, without going into the merits of the matter, directs the respondents 1 and 2, to hear the petitioner as well as the third respondent and after hearing them, pass order on merits, after deducting the maintenance amount payable by the third respondent to the petitioner as ordered in C.A.No.17 of 2021 on the file of the Principal District Court, Pudukkottai and pay the deducted maintenance amount to the petitioner.

With the above direction, this writ petition is disposed of.



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No Costs.

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NCC:Yes/No

Index:Yes/No

PM

To

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Kumbakonam,
Thanjavur District.

2.The Managing Director,
Tamilnadu Government Transport Corporation,
Thirumayam Road, Pudukkottai.

M.DHANDAPANI,J.

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