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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.4747 of 2023

Malathi ... Petitioner

Vs

1.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

2.Kannan @ Thangasamy ... Respondents

Prayer:- Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent herein to take appropriate action to recover the amount of maintenance from the salary of the second respondent on the basis of the order passed in M.C.No.70 of 2014 dated 30.03.2015 by the Family Court, Tirunelveli and credit the same to the petitioner's savings bank account produced before the 1st respondent herein on the basis of the petitioner's representation made before him by RPAD dated 13.01.2023.

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For Petitioner : Mr.B.Brijesh Kishore

For R1 : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the first respondent.

2. The petitioner has obtained maintenance order against her husband namely the second respondent herein. The second respondent is working as a Constable in the Jail Service. The petitioner wants this Court to direct the employer to recover the maintenance amount from the second respondent's salary.

3. It is settled that writ proceedings cannot be used as execution proceedings. The petitioner can very well move the jurisdictional Family Court for enforcing the petition-mentioned maintenance order. As and when the petition is filed, the same shall be disposed of as expeditiously as possible by the Family Court, Tirunelveli.

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4. This writ petition is disposed of, accordingly. Registry to mark a copy of this order to the learned Judge, Family Court, Tirunelveli. No costs.

06.03.2023

NCC : Yes/No
Index:Yes/No
Internet:Yes

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To

1.The Superintendent, Central Prison, Palayamkottai, Tirunelveli District.

2.The Judge, Family Court, Tirunelveli.

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G.R.SWAMINATHAN, J.

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