



W.P.(MD)No.10767 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.10767 of 2020
W.M.P(MD).No.9481 of 2020

Rama

... Petitioner

Vs.

1.The General Manager,
Administration,
Tamil Nadu State Corporation Limited,
Madurai Zone,
Madurai.

2.The Branch Manager,
Tamil Nadu State Corporation Limited,
Chekkanoorani,
Madurai.

3.Pugalendhi

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from disbursing the retirement monitory benefit of the 3rd respondent in disobedience of the order passed by the learned Judicial Magistrate Court, Andipatti in Crl.M.P.No.2483 of 2017 in order dated 17.05.2019.



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For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.J.Senthil Kumaraiah
Standing Counsel for R1 and R2
Mr.P.Arun for R3

ORDER

This Writ Petition has been filed to forbear the respondents 1 and 2 from disbursing the retirement monitory benefit of the 3rd respondent in disobedience of the order passed by the learned Judicial Magistrate Court, Andipatti in Crl.M.P.No.2483 of 2017 in order dated 17.05.2019.

2. The case of the petitioner is that the petitioner and the third respondent are the husband and wife. The third respondent deserted the petitioner and his daughter in the year 2008. She filed a petition under Section 125 Cr.P.C in M.C.No.17 of 2010 before the learned Judicial Magistrate, Andipatti. The trial Court passed the order on 28.02.2011 directing the third respondent to pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) to the petitioner as maintenance and pay a



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sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) to his daughter as maintenance. However, the third respondent did not pay the said amounts. Hence, the petitioner filed CrI.M.P.No.2483 of 2017 before the learned Judicial Magistrate, Andipatti, to pay the arrears of Rs.3,02,500/- (Rupees Three Lakhs Two Thousand Five Hundred only) from 16.12.2010 to 17.10.2014 and the learned Judicial Magistrate was pleased to pass the order to attach a sum of Rs.10,000/- (Rupees Ten Thousand only) from the salary of the third respondent every month in the order dated 17.05.2019. Despite the directions issued by the Judicial Magistrate, Andipatti, the respondents 1 and 2 have not attached the salary of the third respondent and in the meantime, the third respondent retired from service on 30.04.2020. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that this Court may direct the respondents 1 and 2 to deduct the arrears of Rs.3,02,500/- (Rupees Three Lakhs Two Thousand Five Hundred only) from the retiral benefits of the third respondent and pay the balance



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Judicial Magistrate, Andipatti, in M.C.No.17 of 2010. On such deposit being made, the learned Judicial Magistrate, Andipatti, is directed to issue notice to the petitioner and the third respondent and pass appropriate orders as expeditiously as possible. The balance terminal benefits shall be disbursed to the third respondent, if not disbursed.

6. With these directions, this Writ Petition is disposed of. No costs.
Connected miscellaneous petition is closed.

02.01.2023

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



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M.DHANDAPANI,J.

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