



Crl.O.P.(MD).No.22266 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.22266 of 2023

1.Padmavathy

2.Minor. Anugraha Shri

3.Minor.Shree Harini

D/o.Suresh, Represented by Her Natural
Guardian Mother- the 1st Petitioner Herein,
Vs.

... Petitioners

Suresh

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the Docket order passed by the learned Judicial Magistrate Cum District Munsif Court, Sencottai, in unnumbered Crl.M.P.SR.No.11550 of 2023 dt.07.10.2023 and consequently direct the Judicial Magistrate cum District Munsif Court Sencottai to number the petition in unnumbered Crl.M.P.SR.No.11550 of 2023 dt.07.10.2023 and proceed with the case in accordance with law.

For Petitioner : Mr.N.Sankar Ganesh

ORDER



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This criminal original petition has been filed to set aside the Docket order passed by the learned Judicial Magistrate Cum District Munsif Court, Sencottai, in unnumbered Crl.M.P.SR.No.11550 of 2023 dt.07.10.2023 and consequently direct the Judicial Magistrate cum District Munsif Court, Sencottai to number the petition in unnumbered Crl.M.P.SR.No.11550 of 2023 dt.07.10.2023 and proceed with the case in accordance with law.

2.The grievance of the petitioners is that M.C.No.15 of 2019 was allowed by the learned District Munsif cum Judicial Magistrate, Sengottai on 07.10.2022. Against which, the husband filed Civil revision Petition in Crl.R.C.3 of 2023 before the learned Additional District and Sessions Judge, Tenkasi and the same was dismissed. Therefore, Crl.M.P.No.4540 of 2023 was filed by the wife for recovery of the amount from 02.12.2019 till date of the petition. That is kept pending for payment. Pending the above said process, for the subsequent maintenance from 01.10.2022 to 30.09.2023, another application was filed by the petitioners, that was not entertained by the trial Court, stating that the earlier application filed by the petitioner is still pending.



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3.The above said petition was returned without entertaining the same on the judicial side. The maintainability should be decided on the judicial side and also opportunity must be given to the petitioner. On the sole ground, the above said order is liable to be set aside.

4.Accordingly, the docket order made in Crl.M.P.SR.No.11550 of 2023 dated 07.10.2023, on the file of the learned District Munsif cum Judicial Magistrate, Sengottai, is hereby set aside. Let the above said returned petition be represented before the learned District Munsif cum Judicial Magistrate, Sengottai, by the petitioner. The learned District Munsif cum Judicial Magistrate, Sengottai, shall process the above said petition and decide the same on its judicial side. For that purpose, let the above said petition be returned back to the petitioner by the Registry.

4.With the above said directions, this Criminal Original Petition is allowed.

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Index : Yes / No
Internet : Yes / No
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To

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- 1.The Judicial Magistrate Cum District Munsif Court, Sencottai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

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