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W.P.No.3169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3169 of 2024
and W.M.P.No.3432 of 2024

Karpagam

... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
TANGEDCO,
Head Office,
No.144, NPKRR Maligai,
Anna Salai, Chennai-600 002.
2. The Superintendent of Engineering
SE/Chennai North
Tamil Nadu Generation and
Distribution Corporation Ltd.,
TANGEDCO,
Head Office Ground Floor, 5B-Block,
No.144, NPKRR Maligai,
Anna Salai, Chennai-600 002.
3. G.Vijayan

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent, not to disburse the third respondent's any retirement monetary benefit including service benefits to him and also to enter the petitioner's name as wife in the third respondent's service register as nominee.



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For Petitioner : Mr.D.Gopinathan

For R1 and R2 : Mr.David Sunder Singh
Standing Counsel

ORDER

This writ petition has been filed for direction directing the second respondent, not to disburse the third respondent's any retirement monetary benefit including service benefits to him and also to enter the petitioner's name as wife in the third respondent's service register as nominee.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The case of the petitioner is that she is the legally wedded wife of the third respondent. After their marriage, they gave birth to three children. The third respondent is working with the first and second respondents as a Foreman. Due to misunderstanding between them, the petitioner and the third respondent got separated and as such, the petitioner could not able to maintain herself. Hence, the petitioner filed a petition for maintenance in M.C.No.19 of 2009 on the file of the Judicial Magistrate Court No.II, Ponneri, under Section 125 of Cr.P.C. The Trial Court ordered as against the third respondent and directed



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him to pay a sum of Rs.5,000/- as monthly maintenance to the petitioner.

However, the third respondent did not obey the said order. Hence, the petitioner filed a petition in C.M.P.No.285 of 2013 to comply with the said order. Thereafter, the third respondent paid the arrears of maintenance amount of Rs.55,000/- and C.M.P.No.285 of 2013 was closed. Subsequently, the third respondent failed to pay monthly maintenance. Therefore, the petitioner filed another petition in C.M.P.No.680 of 2023 to enhance the monthly maintenance amount and also filed C.M.P.No.1249 of 2023 to attach the monthly salary from the second respondent and it is pending. Pending said application, the petitioner filed this writ petition for direction directing the second respondent not to disburse the retirement benefits of the third respondent.

4. The only apprehension of the petitioner is that the third respondent is going to retire and if the retirement benefits are settled to him, he will not pay the monthly maintenance. If at all the petitioner obtained any order of attachment, it will bind the second respondent from disbursing the retirement benefits to the third respondent. Therefore, the prayer sought for in this writ petition cannot be considered and it is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. Consequently,



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connected Miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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2. The Superintendent of Engineering
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G.K.ILANTHIRAIYAN. J,

mn

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