



C.R.P.(MD)No.2335 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2335 of 2024
and
C.M.P.(MD)No.13247 of 2024

Anitha

... Petitioner / Petitioner / Plaintiff

Vs.

1.Murugadoss

2.Pay Roll Officer cum Finance Officer,
Neyveli Lignite Corporation India Limited,
Neyveli Township,
Cuddalore District.

3.General Manager & Secretary Manager,
Central Provident Fund Office,
Block-2,
Neyveli.

4.Chairman & Managing Director,
Neyveli Lignite Corporation India Limited,
Block No.01, Neyveli Township,
Cuddalore District.

5.Deputy Secretary,
Cabinet Secretariat,
Rashtrapati Bhavan,
New Delhi

... Respondents / Respondents / Defendants



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Principal Subordinate Judge, Thanjavur to dispose of the Application I.A.No.1 of 2024 in O.S.No.502 of 2024 as expeditiously as possible preferably within a period specified by this Court.

For Petitioner : Mr.V.Ramamurthy

ORDER

Heard the learned counsel appearing for the revision petitioner.

2. The revision petitioner herein filed O.S.No.502 of 2024 on the file of the Principal Sub Court, Thanjavur seeking to enforce her matrimonial rights against her husband (R1 herein). The petitioner and R1 got married as early as on 12.06.1994. Two children were born through the marriage. Though it is alleged that their matrimonial relationship was not all that happy right from the inception, things reached boiling point on 10.02.2024. The first respondent herein is said to have severely beaten the petitioner herein. The petitioner has also given a complaint before the local police on 11.02.2024. The petitioner has also filed a petition before the jurisdictional Magistrate on 10.06.2024. I do not want to go into the merits of the matter for the present. This is because, the first respondent has not been put on notice. Be that as it may, it appears that the



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first respondent herein is to retire on 30.09.2024. In these circumstances, the petitioner filed O.S.No.502 of 2024 on 29.08.2024. She also sought interim relief by filing I.A.No.1 of 2024. The petitioner wanted the Court to restrain the employer from disbursing the retirement benefits.

3. The grievance of the petitioner is that notice was ordered in IA returnable by 03.10.2024. By then, the petitioner's counsel states that IA will become infructuous in view of the impending retirement of the first respondent. This is a case in which the married woman seeks emergent relief.

4. As rightly pointed out by the learned counsel appearing for the petitioner, the Court has the power and jurisdiction to grant exparte interim relief in such cases. This is a fit case in which jurisdiction deserves to be exercised. I therefore direct the learned Principal Sub Court, Thanjavur to advance the hearing from 03.10.2024 to 25.09.2024. The trial Court is also further directed to give exparte interim relief in favour of the petitioner. I give such an extraordinary direction under Article 227 of the Constitution of India only to uphold the rights of the petitioner herein. The petitioner is the wife of the first respondent. The first respondent will be retiring as foreman in NLC. The wife is entitled to claim maintenance rights as well as alimony against her



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husband. If the first respondent walks away with the retirement benefits, it will be very difficult for the petitioner to enforce her claim. The court below can very well decide on the merits of the matter after the first respondent as well as the employer enters appearance. By grant of interim order, the first respondent will not be prejudiced. On the other hand, if interim order is not granted, the petitioner will suffer irreparable loss and hardship. The balance of convenience is in favour of the petitioner. Triple test is fully satisfied in this case and hence, I have chosen to give a direction of this nature to the court below.

5. The Civil Revision Petition is allowed on these terms. No costs.
Consequently, connected miscellaneous petition is closed.

23.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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NOTE: Issue Order Copy on 23.09.2024.

To

The Principal Subordinate Judge, Thanjavur.



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G.R.SWAMINATHAN, J.

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