

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM:

**THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND**

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**Civil Miscellaneous Appeal No.1217 of 2014
and
MP No.1 of 2014**

T.Srinivasan

.. Appellant

-Vs-

A.Priyaa

.. Respondent

Civil Miscellaneous Appeal filed u/s.173 of the Motor Vehicles Act, 1988, against the judgement and decree of the Principal Judge, Family Court, Chennai, dated 15.2.2014 passed in I.A.No.3638 of 2011 in O.P.No.339 of 2011.

For Appellant : Mr.G.MR.Palaniappan

For Respondent : Ms.R.Poornima

J U D G M E N T

[Judgement of the Court was delivered by **C.T.SELVAM, J.**]

This Civil Miscellaneous Appeal arises against the judgement and decree dated 15.2.2014 passed by learned Principal Judge, Family Court, Chennai, in I.A.No.3638 of 2011 in O.P.No.339 of 2011.

2. Learned counsel for appellant submits that pursuant to order of this Court dated 01.08.2017 in MP.No.1 of 2014 in C.M.A.No.1217 of 2014, appellant has deposited a sum of Rs.2,52,000/- [Rupees Two Lakhs and Fifty Two Thousand only] before Court below.

3. On 15.04.2014, this Court passed the following order in C.M.A.No.1217 of 2014 and M.P.No.1 of 2014 :

"There shall be an order of interim stay on condition-

(i) that the appellant/husband shall pay a sum of Rs.4,000/- per month and a sum of Rs.2,000/- per month towards maintenance to the wife and child respectively, directly to the respondent/wife on or before 10th of every succeeding English Calendar month, starting from My, 2014.

(ii) that the arrears amount at the above mentioned rates, from the date of petition till March, 2014 shall be paid to the respondent wife directly in two equal instalments, the first of which shall be paid on or before the end of April, 2014 and the second instalment shall be paid on or before the end of May, 2014.

(iii) It is made clear that if any default is committed on payment of arrears or monthly maintenance amount as ordered above, the interim stay granted shall stand vacated automatically without any reference to this Court.

Notice."

4. It is informed that the order herein above reproduced,

was challenged before the Supreme Court, without success. Thereafter, the above order dated 01.08.2017 was passed by this Court in MP.No.1 of 2014, directing the appellant to pay 50% arrears of interim maintenance, within a period of four weeks, therefrom. It is such order, which is informed to have been complied with by appellant, through deposit of the sum of Rs.2,52,000/- [Rupees Two Lakhs and Fifty Two Thousand only].

5. In the circumstances, this Court is constrained to require appellant to effect payment of further sum of Rs.2,52,000/- before Principal Family Court, Chennai, within four weeks of receipt of this order, failing which, this Civil Miscellaneous Appeal shall stand dismissed without further reference to the Court. Upon compliance with the present order, the Principal Family Court, Chennai, shall proceed to dispose of O.P.No.339 of 2011 as expeditiously as possible, in any event, within a period of two months from the date of receipt of a copy of this order. A compliance report should be forwarded to this Court. Both the parties are required to fully co-operate before the Court below towards early disposal of the case. Any attempt at protraction of proceedings may be viewed seriously. It is now open to the respondent to withdraw the earlier sum deposited as also that

C.T.SELVAM, J
and
M.V.MURALIDARAN, J

kmi

deposited pursuant to this order on due application before the Principal Family Court.

6. Accordingly, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[C.T.S., J] [M.V.M., J]
30.10.2017

Index:yes/no

Internet:yes

Speaking/Non-speaking Order

kmi

Note: Issue Order Copy on 01.11.2017

To

1. The Principal Judge,
Family Court,
Chennai.
2. The Section Officer,
V.R.Section,
High Court,
Chennai-104.