

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

CORAM

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

C.R.P.(PD).No.3541 of 2017

Gokularaman

... Petitioner

Vs.

Boopathi

... Respondent

Prayer

Civil Revision Petition is filed under Section 115 of the Criminal Procedure Code against the Judgement and Decree in I.A.No.421 of 2015 in H.M.O.P.No.12 of 2014 dated 06.10.2015 on the file of the Family Court, Villupuram.

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For Petitioner : Mr.R.Sankarasubbu

ORDER

The petitioner has filed the Civil Revision Petition against the order in IA No.421 of 2015 in HMOP.No.12 of 2014. The respondent filed the above application to struck-off the further proceedings in HMOP.No.12 of 2014 till the petitioner pay the entire interim alimony, which was allowed. Actually, the respondent had filed an application in IA.No.186 of 2006 seeking for interim maintenance and the same had been allowed, in which the petitioner herein had been directed to pay a sum of Rs.1000/- p.m. as interim alimony. Challenging the said order, the petitioner had preferred an appeal and the same was dismissed. Against the said application in I.A.No.421 of 2015, the petitioner has filed the present Civil Revision Petition.

2. According to the learned counsel for the petitioner the respondent is having income through lands and house and has not filed any petition so far for claiming maintenance. Therefore, the present application ought to have been dismissed. But, the court below without considering the averments of the petitioner has erroneously allowed the application. Therefore, the petitioner has filed the present Civil Revision Petition before this Court.

3. Heard the learned counsel for the petitioner and perused the available materials.

4. The learned counsel for the petitioner has contended that the court below has not considered the case of the petitioner and dismissed the application holding that the petitioner had already preferred an appeal before this Court and the same was dismissed. The present application has been filed by the respondent herein in IA.No.421 of 2015 to struck-off further proceedings for the non-compliance of payment of the interim alimony to the respondent. Further it is held by the court below that the respondent has not been paid the interim alimony even after expiry of four years from the expiry of the order and relying upon the decision of the Hon'ble Supreme Court in the case of **Hirachand Srinivas Managaonker Vs. Sunanda** reported in **AIR 2001 SC 1285** the claim of the respondent to struck off further proceedings was allowed. The petitioner has not shown any materials that the above said order is perverse or illegal.

5. Therefore, in view of the facts that the order of the

court below for payment of interim alimony has become final, the order passed by the Court is valid and prima facie case has not been made out in favour of the petitioner.

6. In the result, the Civil Revision Petition is dismissed.

No costs.

04.10.2017

Speaking/Non-Speaking order
Index :Yes/No
Internet: Yes/No
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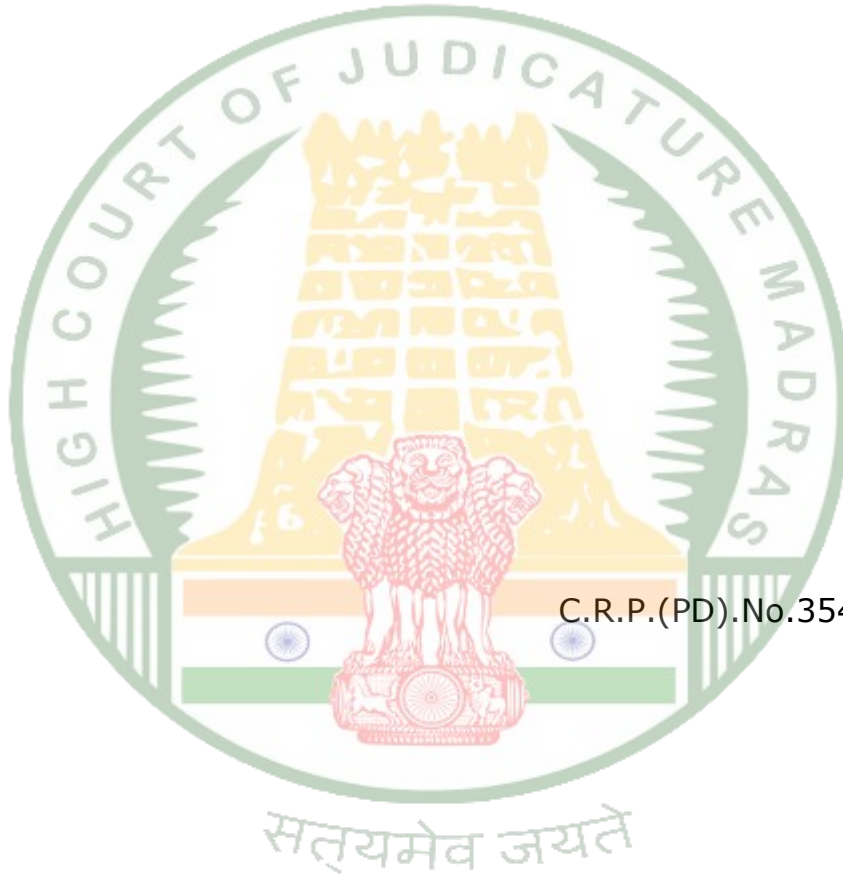
The Family Court Judge,
Villupuram.



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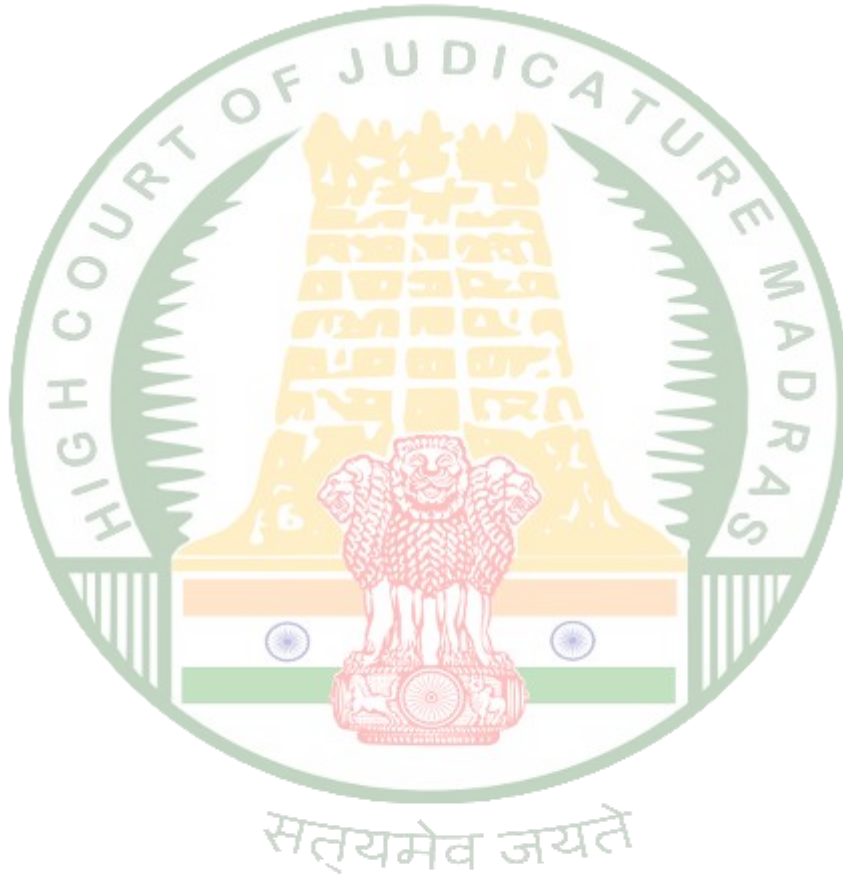
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