

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 2799 of 2017
and
CMP. No.13262 of 2017

M.Srinivasan

.. Petitioner

Vs

R.Lakshmi

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 19.04.2017 passed by the learned Subordinate Judge, Poonamallee made in I.A. No.566 of 2016 in HMOP. No.45 of 2010 and permit the petitioner to withdraw the HMOP No.45 of 2010 filed by the petitioner.

For Petitioner :Mr.R.Srinivasalu

For Respondent :Mrs.R.Gowri

ORDER

This Civil Revision Petition is filed against the dismissal order dated 19.04.2017 passed by the learned Subordinate Judge, Poonamallee made in I.A. No.566 of 2016 in HMOP.No.45 of 2010 to withdraw the main

Original Petition filed by the revision petitioner.

2. The learned counsel for the petitioner submitted that the revision petitioner has filed an Interlocutory Application in I.A. No.566 of 2016 in HMOP No.45 of 2010 to withdraw the main OP with liberty to file fresh OP for the very same relief with additional grounds against the respondent. The aforesaid application was dismissed by the Court below on 19.04.2017 for the reasons stated that the petitioner having failed to pay the arrears of maintenance amount even though this Court passed an order, directing the revision petitioner to deposit 50% of the arrears of maintenance amount. Challenging the aforesaid order, the revision petitioner has filed present Civil Revision Petition before this Court.

3. The learned counsel for the revision petitioner undertakes that revision petitioner is ready to restrict his prayer to withdraw the HMOP without seeking liberty to file a fresh Original Petition and he has also made an endorsement to that extent before this Court.

4. Per contra, the learned counsel for the respondent would submit that the petitioner has not complied with the orders passed for payment of arrears of interim maintenance to the respondent.

5. In view of the endorsement made by the learned counsel for the revision petitioner, the Civil Revision Petition is allowed without giving any liberty to the petitioner to file a fresh Original Petition raising additional grounds. It is also open to the respondent to work out her remedy before appropriate Court.

6. Accordingly, the Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

03.01.2018

Index: Yes/ No

Internet : Yes/No

Speaking Order/Non Speaking Order

RKP

Note: Issue Order Copy on 09.01.2018

D. KRISHNAKUMAR J.,

RKP

To

The Subordinate Judge,
Poonamallee.



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