

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

C.R.P (NPD) No.4500 of 2013  
&  
M.P.Nos.1 of 2013 & 1 of 2014

Narayanaswamy Udayar

.. Petitioner

Vs.

Chinnammal

.. Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decretal order dated 05.10.2013 made in E.P.No.173 of 2010 in O.S.No.407 of 2005 on the file of Principal District Munsif Court, Thirukoilur.

For Petitioner

: Ms.K.Sandhya for  
M/s.Sarvabhauman Associates

For Respondent

: Mr.M.Gnamurthy for Mr.N.Suresh

**ORDER**

Sole revision petitioner Narayanaswamy Udayar and the lone respondent Chinnammal are spouses.

2. This revision petition has been filed with a prayer to revise an order dated 05.10.2013 made by the Principal District Munsif, Thirukoilur in E.P.No.173 of 2010 in O.S.No.407 of 2005.

3. As the entire matter turns on a very narrow compass, elaboration of facts and other details are not necessary.

4. In other words, a thumbnail sketch of facts will suffice.

5. Suffice to say that the aforesaid execution petition was launched by the wife with a prayer seeking warrant of arrest/arrest of her estranged spouse for non payment of maintenance.

6. Vide the aforesaid order dated 05.10.2013, the Principal District Munsif, allowed the petition and ordered arrest.

7. As mentioned supra, this revision is directed against the aforesaid order dated 05.10.2013.

8. In this Civil Revision Petition, a civil miscellaneous petition being C.M.P.No.958 of 2016 was taken up with a prayer seeking extension of time for paying the balance decree amount.

9. To be noted, vide M.P.No.1 of 2014, a conditional order of interim stay was granted.

10. As the condition was not complied with, within the stipulated time, it became necessary to file the aforesaid C.M.P.No.958 of 2016.

11. In C.M.P.No.958 of 2016, an order came to be passed by this Court on 09.02.2017, which reads as follows:

*“This petition is filed to extend the time for paying the balance decree amount to the respondent by a further period of eight weeks.*

*2. Heard both sides.*

*3. Accordingly, this Court permits the petitioner to pay the balance decree amount to the respondent within a period of six weeks from today, failing which the respondent is permitted to proceed the case.*

*Post on 23.03.2017.”*

12. The aforesaid order is self-explanatory and needs no elaboration.

13. Today, the learned counsel for the revision petitioner is not in a position to confirm whether the entire balance decree amount has been paid, as per the aforesaid order dated 09.02.2017.

14. The learned counsel for respondent asserts that the balance decree amount has not been paid, as per the aforesaid order dated 09.02.2017.

15. In any event, the aforesaid order makes it clear that if the revision petitioner does not pay the balance decree amount, within a period of six weeks from 09.02.2017, the respondent, before this Court, can proceed with the execution petition. Six weeks from 09.02.2017 expired in March 2017. We are now in July 2018.

16. Under the aforesaid circumstances, there is no ground to interfere with the order that is being sought to be revised. This is more so, as the assertion of the learned counsel for respondent that the petitioner has not complied with the aforesaid order dated 09.02.2017, is neither disputed nor confirmed.

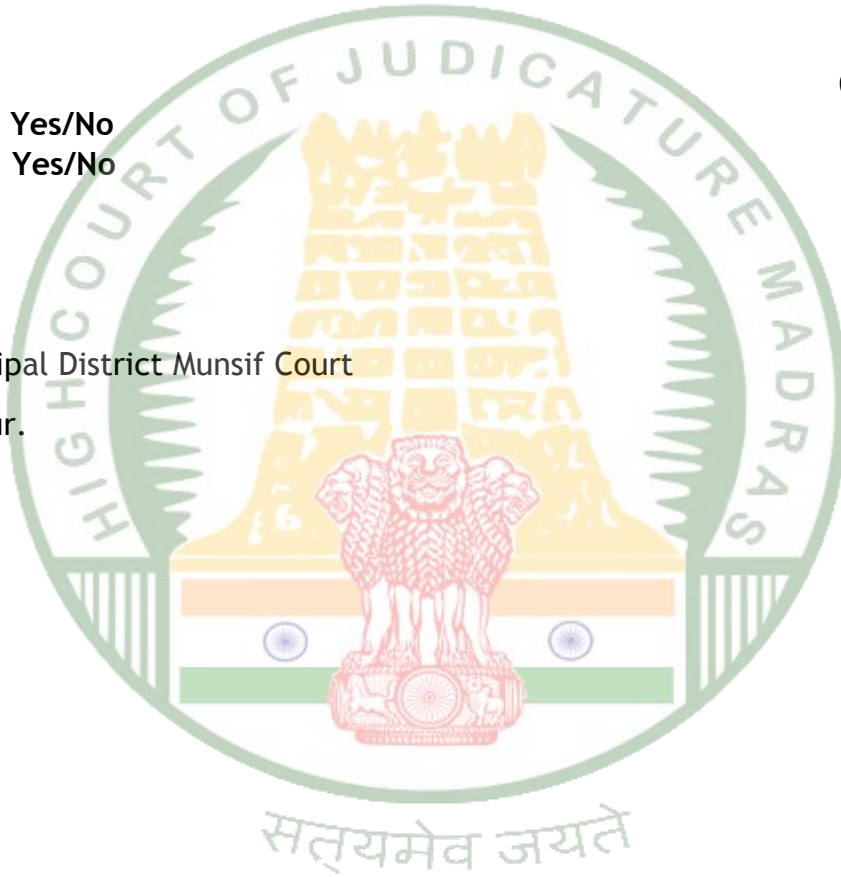
17. In the light of the aforesaid narrative, this Civil Revision Petition is dismissed. Considering the nature of the matter and the relationship between the parties, there shall be no order as to costs. Consequently, connected miscellaneous petitions are dismissed.

02.07.2018

Index : Yes/No  
Internet : Yes/No  
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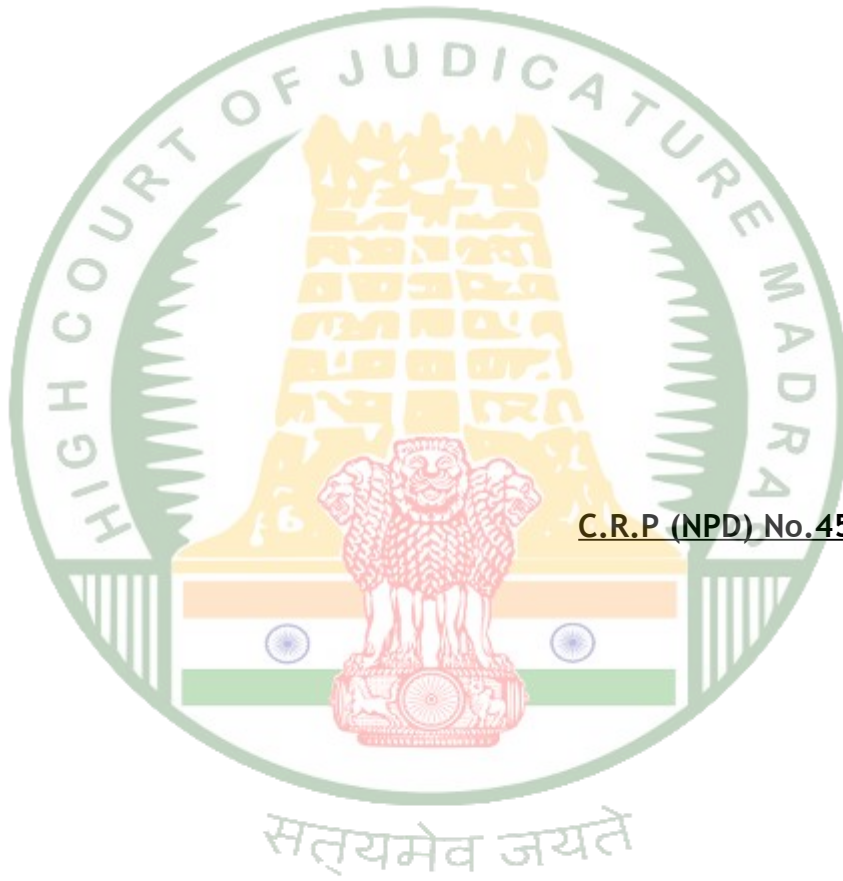
The Principal District Munsif Court  
Thirukoilur.



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M.SUNDAR, J.,

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