



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.2216 of 2018

and

C.M.P. (MD) No.9958 of 2018

G.Muthunalluraja ... Petitioner/Respondent/ Petitioner
/Vs./

1.R.Bala

2.Minor Harish

(2nd Minor petitioner through his mother and next guardian of the
first petitioner) ... Respondents/ Petitioner/Respondents

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the order dated 20.06.2018 made in I.A.No.100 of 2017 in H.M.O.P.No.23 of 2015 on the file of the Subordinate Court, Srivilliputhur.

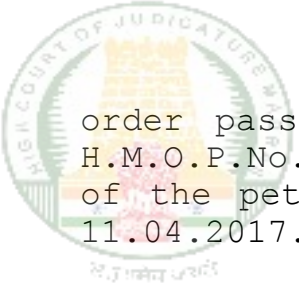
For Petitioner : Mr.T.Lajapathi Roy

ORDER

The revision petitioner instituted H.M.O.P.No.23 of 2015 on the file of the Sub Court, Srivilliputtur, seeking dissolution of his marriage with the first respondent herein. In H.M.O.P.No.23 of 2015, the respondents filed I.A.No.17 of 2017 for interim maintenance and for payment of litigation expenses and the same was allowed. The petitioner herein could not comply with the said order for certain reasons. Hence, H.M.O.P.No.23 of 2015 itself got struck off at the instance of the respondents, who filed I.A.No.100 of 2017. Questioning the same, this civil revision petition has been filed.

2. Considering the nature of the relief granted in the civil revision petition, notice to the respondents is dispensed with.

3. It is true that the revision petitioner is the petitioner in the main H.M.O.P.No.23 of 2015. It is also true that he suffered an order directing him to pay interim maintenance and that he could not comply with the said order. But, the consequences cannot be striking off H.M.O.P.No.23 of 2015 itself from the file of the Court. Further proceedings in H.M.O.P.No.23 of 2015 will have to be stopped. In fact, even the next date of hearing will not be given. As and when the earlier interim order is complied with in toto, the H.M.O.P.No.23 of 2015 can be restored to the file. Therefore, the



order passed by the Court below is clarified to the effect that H.M.O.P.No.23 of 2015 will stand restored to file on the fulfillment of the petitioner's liability in terms of I.A.No.17 of 2016 dated 11.04.2017.

4. With these clarifications, this civil revision petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(ADI)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Subordinate Judge, Srivilliputhur.

+1cc to Mr..T.Lajapathi Roy Advocate in SR.No.89452

Order made in
C.R.P. (MD) (PD) No.2216 of 2018
08.10.2018

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