

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.2335 of 2019

A.Karthika

... Petitioner

Vs.

N.Mohankumar

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India seeking speedy disposal of I.A.No.4 of 2019 in FCOP.No.15 of 2018 on the file of Family Judge, Namakkal.

For Petitioner

: Mr.M.Muruganatham

ORDER

सत्यमेव जयते

The petitioner is the wife. She seeks a direction against the respondent/husband to pay the arrear amount a sum of Rs.5,92,000/- towards maintenance and thereafter, permit him to prosecute the petition filed by him for divorce. The Family Court, Namakkal has not disposed of the above said application and proceeds with the main divorce petition. Aggrieved over the same, the petitioner is before this Court.

2. It is well settled that the person in arrears is not entitled to any relief. If the respondent/husband has committed default in paying the maintenance and arrears of payment, he is not entitled to contest the main OP for divorce.

3. Considering the facts and circumstances, a direction is given to the Family Court, Namakkal to dispose of I.A.No.4 of 2019 within a period of one month from the date of receipt of a copy of this order. Further a direction is issued to the Family Court, Namakkal not to prosecute the main OP for divorce till the arrears are completely paid by the respondent/husband to the petitioner/wife.

4. The Civil Revision Petition is disposed of with the above observation. No costs.

सत्यमेव जयते

19.07.2019

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NOTE: Issue order copy on 23.07.2019

Index:Yes/No

Speaking Order/Non Speaking Order

To

The Family Court,
Namakkal.



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M. GOVINDARAJ, J.

bri



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