

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.4815 of 2019

N.Unnikrishnan ... Appellant/Petitioner
Vs.
Deepa Rajendiran ... Respondent/Respondent

PRAYER : Appeal filed under Section 19 of the Family Courts Act to set aside fair and decree order made in I.A.3927 of 2018 in O.P.No.1343 of 2014 on the file of V Additional Family Court, Chennai dated 31.05.2019.

For Appellant : Ms.R.Thenmozhi Sivaperumal

For Respondent : Mr.P.Dhananjayan

JUDGMENT
(Delivered by M.M.SUNDRESH.,J)

This appeal is preferred against the order passed in I.A.No. 3927 of 2018 by which the appellant was directed to comply with the earlier order passed by this Court.

2. As the appellant did not comply with the order passed in I.A.No. 3927 of 2018, which is under challenge, the main O.P. filed for divorce in H.M.O.P.No 1343 of 2014 was also dismissed consequently.

3. We have heard the learned counsel appearing for the appellant and the respondent, who appeared in person.

4. The learned counsel appearing for the appellant would submit that in compliance of the order passed by this Court, fifty-percent of the arrears have been paid and the remaining will be paid within a reasonable time i.e., on or before 15.02.2020. The learned counsel further submitted that in future also, the amount ordered for a sum of Rs. 45,000/- per month would be paid to the respondent.

5. The respondent, who appeared in person, has also agreed for the same. However, she has stated that the aforesaid amount will have to be paid to her directly. It is her further submission that the future amount will have to be paid without default. Thus, on such compliance, the main O.P. may be restored.

6. In the light of the above, we are inclined to dispose of the appeal with the following directions:

(i) The amount deposited in compliance of the order passed is permitted to be withdrawn by the respondent;

(ii) The remaining amount will have to be paid on or before 15.02.2020 directly to the respondent;

(iii) On such compliance, H.M.O.P.No.1343 of 2014 stands restored;

(iv) The V Additional Family Court, Chennai after satisfying with the compliance shall dispose of H.M.O.P.No.1343 of 2014 within a period of four months thereafter along with M.C.No.348 of 2013.

7. In view of the above, the Civil Miscellaneous Appeal stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ssm

To

The V Additional Judge, सत्यमेव जयते
Family Court, Chennai.

+1cc to Mrs.R.Thenmozhi Shivaperumal, Advocate, S.R.No. 3670

+3cc to Mr.P.Dhananjayan, Advocate, S.R.No. 3397

C.M.A.No.4815 of 2019

MP (CO)

GN(24/01/2020)