

C.M.P.No.26764 of 2019
in
C.M.A. No.1125 of 2018

**M.M.SUNDRESH, J.
AND
KRISHNAN RAMASAMY, J.**

(Order of the Court was made by M.M.SUNDRESH, J.)

This petition has been filed to recall the order dated 22.03.2019 passed in C.M.A.No.1125 of 2018, by which, taking note of the financial status of the petitioner, the interim maintenance payable is enhanced.

2. Learned senior counsel appearing for the petitioner submits that though vakalat has been filed, name of the counsel has not been printed. It is further submitted that the petitioner is ready and willing to live with the respondent.

3. Learned counsel appearing for the respondent submits that on an earlier occasion, prior to the order passed, the counsel did appear. The vakalat has not been represented properly. The Court below granted four months time for compliance of the order. Even this Court granted time for compliance. However, there was no compliance

reported. Thereafter, execution petition has been filed. It is further submitted that the order passed earlier is quite reasonable.

4. Considering the submissions made, we permitted the learned Senior Counsel for the petitioner to argue the matter on merits. Learned Senior Counsel submitted that the amount awarded is rather high. The Court below has not considered the relevant materials.

5. We do not find any reason to interfere with the order passed. On behalf of the respondents, Exs.P1 and P2 have been marked. The status of the petitioner being the Director of two Companies is not in dispute. In fact, while passing the order, we have specifically recorded the affidavit filed by the petitioner. Though the learned counsel for the respondent produced photographs to show that the petitioner is living with somebody else and the same having been taken from his Facebook, we are not inclined to go into the said issue and it is a matter for consideration before the Family Court. Suffice it to state that we do not find any reason to interfere with the order passed particularly when the children are living with the respondent.

6. In such view of the matter, this petition stands dismissed. However, taking into consideration the fact that the suit is pending for more than 4 ½ years, we direct the III Additional Principal Judge, III Additional Family Court, Chennai to dispose of O.S. No.219 of 2015 within a period of six months from the date of receipt of a copy of this order.

7. The petitioner is directed to comply with the order passed by us within a period of four weeks from the date of receipt of a copy of this order. We make it clear that the arrears will have to be paid starting from 23.02.2016.

(M.M.S.J.) (K.R.J.)
04.02.2020

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