



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRP(MD)No.301 of 2020

and

CMP(MD)No.1732 of 2020

WEB COPY

1. Satheesh
2. Narasimham Potty ... Petitioners / Respondents

versus

1. Rajasree
2. The Manaher
Tamil Nadu Mercantile Bank,
Verkilambi, Kalkulam Taluk,
Kanyakumari District. ... Respondents

Civil Revision Petition filed under Article 115 of Constitution of India, against the order dated 07.12.2019 made in E.P.No.33 of 2019 on the file of the learned Subordinate Judge, Padmanabhapuram in O.P.No.576 of 2013 on the file of the Family Court, Attingal.

For Petitioners : Mr.J.Parekh Kumar
for Mr.E.R.Gurubalachandran
For R1 : Mr.K.P.Narayana Kumar
For R2 : Mr.N.Dhilipkumar

ORDER

The first petitioner is the husband of the first respondent herein. He filed a original petition in O.P.No.408 of 2014 for divorce. The wife/first respondent herein filed a original petition in O.P.No.576 of 2013 for recovery of gold ornaments, money and maintenance under Section 7 of the Family Courts Act. After the enquiry, the Family Court, Attingal, vide order dated 15th March 2016, allowed both the petitions. Challenging the same, the petitioners filed an appeal in Mat. Appeal No.1232 of 2016 before the High Court of Kerala. During the admission of the appeal, the High Court of Kerala, vide order dated 22nd March 2017, in I.A.No.4251 of 2016 in Mat. Appeal No.1232 of 2016, has passed the following orders.

"There will be an interim order of stay of operation of the Judgment of the Family Court in O.P.No.576/13 on the following conditions:

1) The petitioner shall furnish security for the decree amount, except for maintenance, to the satisfaction of



the Court below within a period of four weeks from today.

2) The petitioner shall pay arrears of maintenance, if any, within a period of one month from today and shall continue to pay future maintenance as directed by the Family Court.

On the deposit of arrears of maintenance, the respondent is at liberty to withdraw it."

Since the said conditional order has not been complied with by the husband, the first respondent herein/wife has filed an Execution Petition in E.P.No.33 of 2019 before the learned Subordinate Judge, Padmanabhapuram, where the property situated belongs to the petitioner. The Execution Court, vide order dated 07.12.2019, passed an order of attachment of property. Challenging said order, the petitioners are before this Court.

2. Learned counsel for the revision petitioners submitted that the first petitioner has deposited the amount.

3. On the other hand, the learned counsel for the first respondent submitted that the first petitioner has not deposited the amount either before the Execution Court or before the High Court of Kerala. Instead of that, he deposited the amount in a Fixed Deposit in his own name.

4. It appears that the first petitioner has not filed any proof to show that he has complied with the order passed by the High Court of Kerala.

5. Under such circumstances, this Court does not find any perversity in the order dated 07.12.2019 passed by the Execution Court in E.P.No.33 of 2019. Therefore, the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The learned Subordinate Judge,
Padmanabhapuram.



2. The Family Court,
Attingal.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-11606[F] dated
13/03/2020)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-11674[F] dated
13/03/2020)

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MK (14.05.2020) 3P 5C