

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.02.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
A.S.No.495 of 2011
and
M.P.No.1 of 2011

Selvanathan

.. Appellant/ Defendant

Vs.

1. Amuthavalli

2. Thenarivi @ Vanathi .. Respondents/Plaintiffs

PRAYER: Appeal Suit is filed under Section 96 of C.P.C against the judgment and decree passed by the learned Family Judge at Pondicherry. Passed in O.S.No.12 of 2009 on 29.03.2011.

For Appellant : Mr.B.Baskaran

For Respondents : Mr.Gaanesh for R1

: No appearance for R2

J U D G M E N T

This Appeal Suit is filed against the judgment and decree of the trial Court directing the appellant herein to pay a sum of Rs.4,000/-per month as maintenance for the respondents.

2. The Appellant herein, after obtaining an order of interim stay of execution of the decree, had not complied the conditions imposed by this Court and has not even paid the pleadings bill amount. When the matter was listed on 11.02.2021, after perusing the records, this Court passed the following order with direction to the learned counsel for the appellant to verify whether the condition imposed while granting interim stay of execution of the decree complied or not and whether the appellant has paid the pleadings bill amount.

"The Appeal Suit is filed against the judgment and decree passed in favour of the respondents herein directing the appellant to pay a sum of Rs.4,000/- per month for the respondents as maintenance.

2. This Court on 27.04.2012, while granting interim stay of execution of the decree dated 29.03.2011 made in O.S.No.12 of 2009, on the file of the Family Court, Puducherry, imposed condition on the petitioner to pay a sum of Rs.96,000/- in favour of the first respondent on or before 05.06.2012 and continue to pay the monthly maintenance in a sum of Rs.3,000/- i.e., Rs.1,500/- each to the respondents until further orders. If any one of the conditions is not complied with, the order of interim stay shall stand automatically vacated.

3. The learned counsel for the appellant has not filed any affidavit reporting to this Court regarding compliance of the above conditions. Further, when the matter was listed on 07.12.2017, this Court has noticed that the appellant has not paid the pleadings bill amount of Rs.390/-, hence, granted time till 21.12.2017 with a caveat that if the pleadings bill amount not paid in the Registry before 21.12.2017, the appeal shall stand dismissed automatically.

4. There is no indication from the record that the appellant has paid the pleadings bill amount. Thereafter, though the matter was listed thrice, the appellant counsel was not present. Hence the matter was adjourned. Today, the counsel representing for the appellant seeks time to verify and report to this Court about the compliance of the interim order and payment of pleadings bill amount.

5. On his request, matter is adjourned to 18.02.2021 for orders."

3. Today, the learned counsel for the appellant appeared before this Court and reported that the appellant has not complied the interim order and also he is not able to produce the receipt for the payment of pleadings bill.

4. In such circumstances, taking note to the facts of the case, where the wife and daughter had sought for maintenance and the same has been awarded by the Family Court, Pondicherry, the appellant had neither paid the arrears of maintenance nor complied the conditional order to pay the maintenance of Rs.3,000/- (i.e., Rs.1,500/- each) to the

respondents, pending appeal as ordered by this Court in M.P.No.1 of 2011 dated 27.04.2012.

5. Hence, the Appeal Suit is dismissed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

The Judge,
Family Court, Pondicherry.

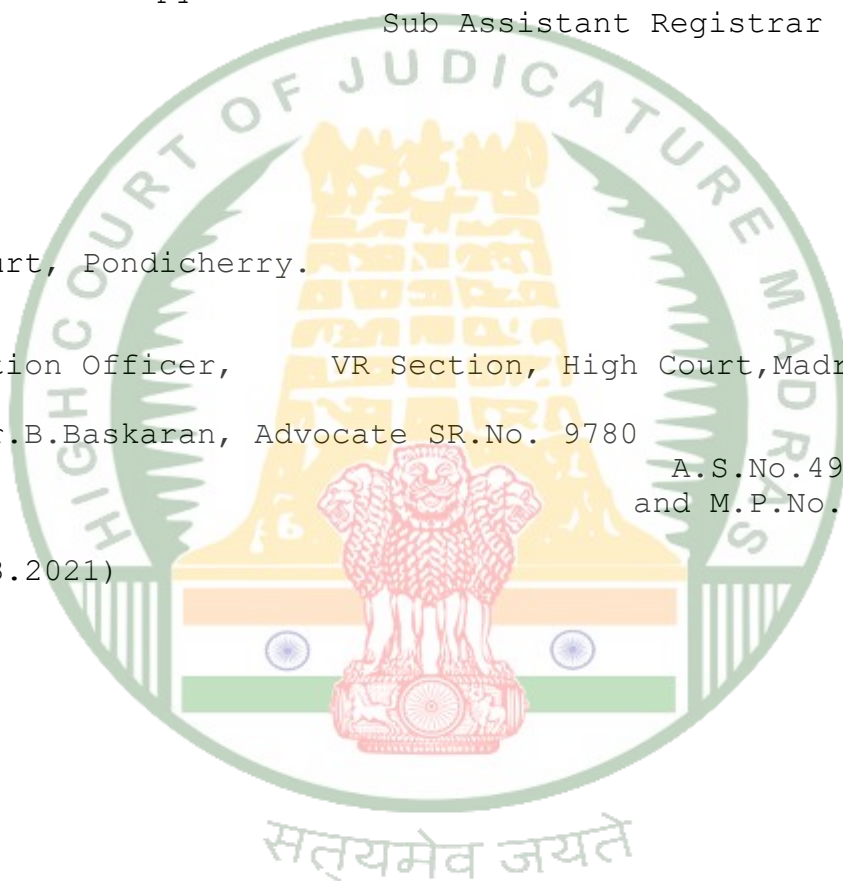
Copy to:

The Section Officer, VR Section, High Court, Madras.

+1cc to Mr.B.Baskaran, Advocate SR.No. 9780

A.S.No.495 of 2011
and M.P.No.1 of 2011

A.SK(31.03.2021)



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