

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2830 of 2021
and Crl.MP.No.1570 of 2021

Dr.Srinivasan

.. Petitioner

vs.

Jensi Rani

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in E.P.No.11 of 2020 pending on the file of the learned VI Additional Family Court Judge, Chennai in M.P.no.369 of 2018 in M.C.no.525 of 2017 and quash the same.

For Petitioner : Mr.B.Thiyagarajan

For Respondent : Mr.Thanigaiarasu

ORDER

This petition has been filed to quash the execution proceedings initiated by the respondent against the petitioner to implement the interim maintenance awarded by the Court below in MP.No.369 of 2018 in MC.No.525 of 2017.

2. The main ground that was raised in the present petition is that the maintenance case itself was disposed of by an order dated 02.03.2020 and therefore, the interim order passed by the Court below has merged with the final order and consequently, execution proceedings initiated by the respondent to implement the order of interim maintenance is not maintainable.

3. Heard Mr.B.Thiyagarajan, learned counsel for the petitioner and Mr.Thanigaiarasu, learned counsel for the respondent.

4. On going through the records, this Court finds that the Court below has fixed a sum of Rs.15,000/- per month as interim maintenance payable by the petitioner to the respondent. When ultimately the main case was disposed of by an order dated 02.03.2020, the Court below has fixed the same maintenance amount of Rs.15,000/- per month payable from the date of the

petition, that is from 30.11.2017. It is true that on the passing of the final orders in a petition, the interim order gets merged with the final order. In the present case, such merger does not have any impact on the claim made by the respondent since even in the final order, the maintenance was fixed at the rate of Rs.15,000/- per month and it is payable with effect from 30.11.2017. This period for which the arrears of maintenance is payable also covers the period for which the interim maintenance was granted. Therefore, it does not make a big difference even if the execution petition is prosecuted further by making necessary amendment in the petition.

5. In view of the above, this Court is not inclined to interfere with the execution proceedings before the Court below and accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The VI Additional Family Court Judge, Chennai.

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PL (CO)
RMP (01/04/2021)

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