

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.4336 of 2015
and MP.No.1 of 2015

Subramanian

..Petitioner

Vs.

Usharani

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the petition and order of the learned Principal Subordinate Judge, Vridhachalam passed in EP.No.16 of 2012 in OS.No.160 of 2008 dated 24.08.2015.

For Petitioner : Mr.J.Antony Jesus

For Respondent : Mr.P.Mani

ORDER

This civil revision petition is directed as against the order of the learned Principal Subordinate Judge, Vridhachalam passed in EP.No.16 of 2012 in OS.No.160 of 2008 dated 24.08.2015 thereby ordering police aid for the execution of warrant as against the petitioner.

2. The petitioner is the respondent in the petition filed by the

respondent herein for maintenance. The respondent got married the petitioner and also gave birth to three children. Thereafter, the petitioner failed to maintain the respondent and as such she filed petition for maintenance in OS.No.160 of 2008 and the same was decreed by the judgment and decree dated 14.09.2011 thereby directed the petitioner to pay a sum of Rs.3,000/- as monthly maintenance from the date of the petition. The respondent filed execution petition to execute the decree, in which the petitioner so far paid partial amount and thereafter failed to pay monthly maintenance. According to the respondent, EP was filed on 15.12.2011. Till the date of filing the execution petition, there is arrear of Rs.2,33,049/-. After deducting the subsequent payments by the petitioner, as of now the arrears come amount Rs.3,63,000/-. According to the petitioner, while he was working as Conductor, his salary was deducted a sum of Rs.1,050/- per month. Now, he retired from service and he only brought up the children born through the respondent herein. After gave birth to the three children, she left the matrimonial home and lived with some other person. Now she lost everything and comes to the petitioner herein.

3. On perusal of the records revealed that the petitioner paid

part of the amount as per the decree. As against the decree, the petitioner failed to file any appeal. Admittedly, there are arrears and now the petitioner is not paying the monthly maintenance. Therefore, the court below ordered police aid for execution of warrant as against the petitioner herein. Therefore, this Court finds no irregularity or infirmity in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. However, the petitioner is at liberty to approach the execution court by paying monthly maintenance and also for negotiation with the respondent herein. Consequently, connected miscellaneous petition is closed. No order as to costs.

05.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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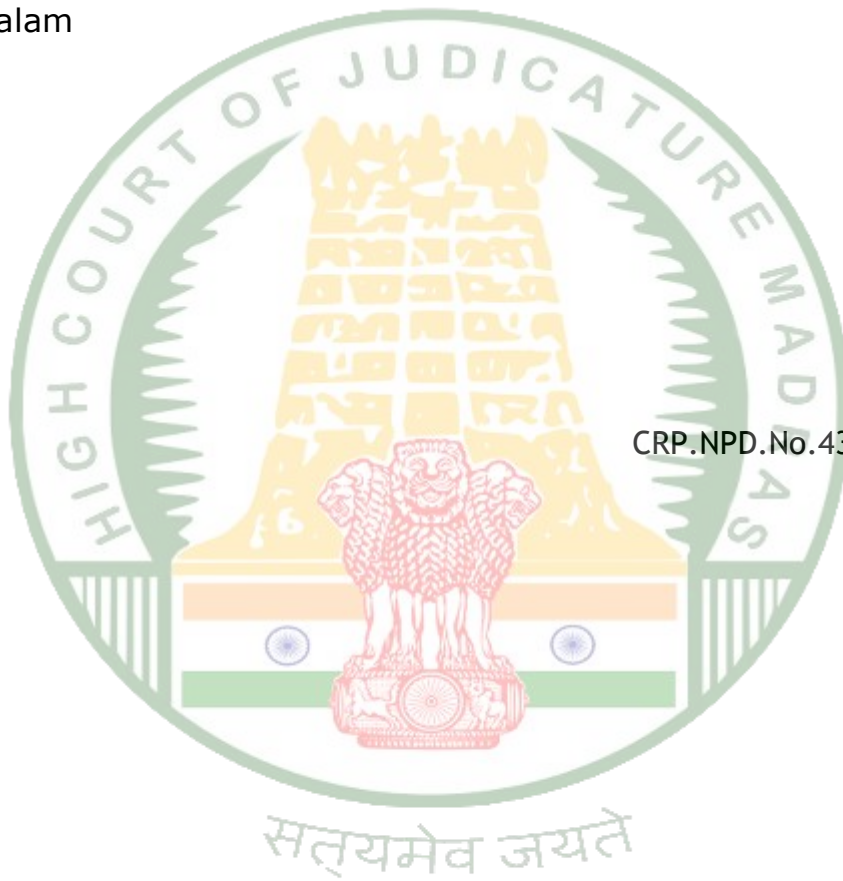
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G.K.ILANTHIRAIYAN,J.

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To

The Principal Subordinate Judge,
Vridhachalam



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