

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD).No.2110 of 2018
and C.M.P.Nos.12815 of 2018

T.Shanmugavel

... Petitioner

Vs

1.P.Nalini

2.S.Dhananjai

represented by his mother 1st respondent

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, challenging the order of issuance of non-bailable warrant passed dated 11.06.2018 in E.P.No.32 of 2018 in I.A.No.2046 of 2013 in O.P.No.4190 of 2012 passed by the V Additional Judge, Family Court, Chennai.

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For Petitioner : Mr.K.A.Mariappan

For Respondents : Mr.P.Rajkumar Pandian for R1
R2 - Minor rep. by R1

ORDER

This Civil Revision Petition is filed challenging the order of issuance of non-bailable warrant passed dated 11.06.2018 in E.P.No.32 of 2018 in I.A.No.2046 of 2013 in O.P.No.4190 of 2012 passed by the V Additional Judge, Family Court, Chennai, thereby issue arrest warrant against the petitioner.

2. The petitioner is the husband and the respondents are the wife and son. The petitioner filed divorce petition on the ground of cruelty in the year 2012. While pending the divorce petition, the respondents filed petition for interim maintenance. The trial Court ordered interim maintenance on Rs.4000/- to the first respondent and Rs.2000/- to the second respondent payable by the petitioner herein. Since the petitioner failed to pay any interim maintenance, the first respondent filed Execution

Petition. After receipt of notice in the Execution Petition and on his appearance, the petitioner paid a sum of Rs.10000/- and thereafter, he failed to pay any amount to the respondents, thereafter, the execution petition was filed for warrant of arrest.

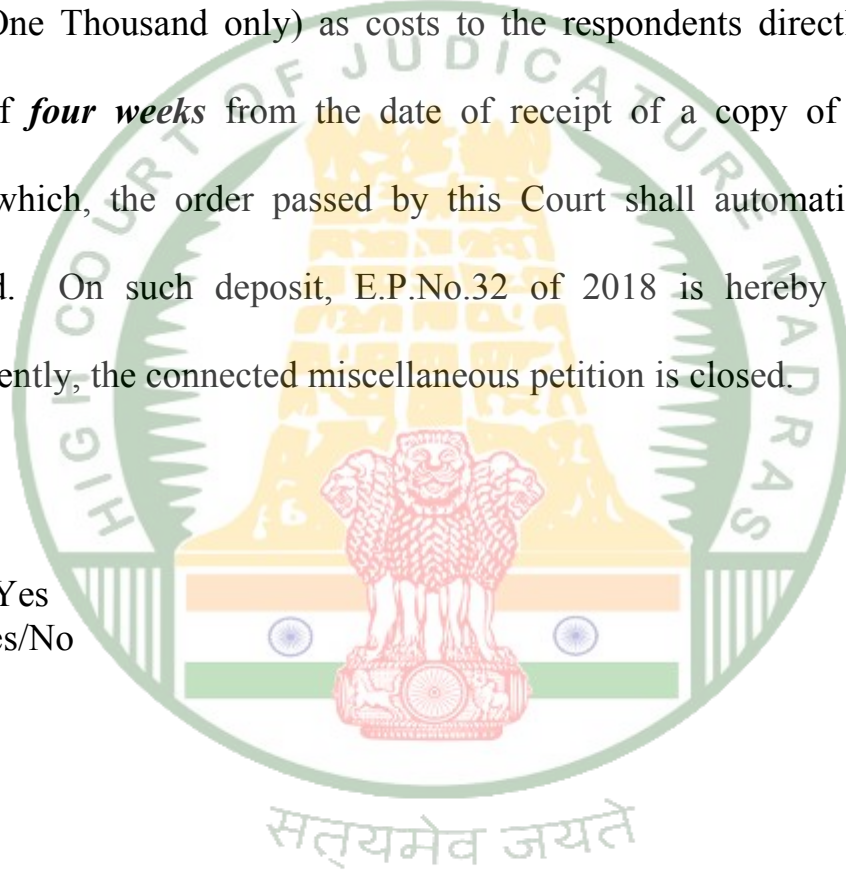
3. While admitting the Civil Revision Petition, this Court imposed condition for the petitioner shall pay a sum of Rs.1,00,000/- to the first respondent. The said condition was also duly complied with by the petitioner and subsequently, a sum of Rs.2,00,000/- also paid to the first respondent on 24.02.2018. So far, the petitioner paid a sum of Rs.3,10,000/- to the first respondent. Thereafter, the main divorce petition itself dismissed for default by an order dated 16.08.2018. Therefore, the petitioner ought to have pay the interim maintenance till the disposal of the divorce petition. The interim maintenance calculated till the disposal of the divorce petition is at Rs.4,01,020/-. So far, the petitioner has paid a sum of Rs.3,10,000/- and the remaining balance is Rs.91,000/-. The petitioner is ready and willing to pay the same directly to the first respondent.

4. Accordingly, this Civil Revision Petition is allowed. No order as

to costs. Considering the said submission, the order passed by the V Additional Judge, Family Court, Chennai in E.P.No.32 of 2018 in I.A.No.2046 of 2013 in O.P.No.4190 of 2012 dated 11.06.2018 is set aside, on condition that the petitioner shall pay a sum of Rs.91,000/- (Rupees Ninety One Thousand only) as costs to the respondents directly within a period of **four weeks** from the date of receipt of a copy of this order. Failing which, the order passed by this Court shall automatically stand cancelled. On such deposit, E.P.No.32 of 2018 is hereby terminated. Consequently, the connected miscellaneous petition is closed.

29.04.2021

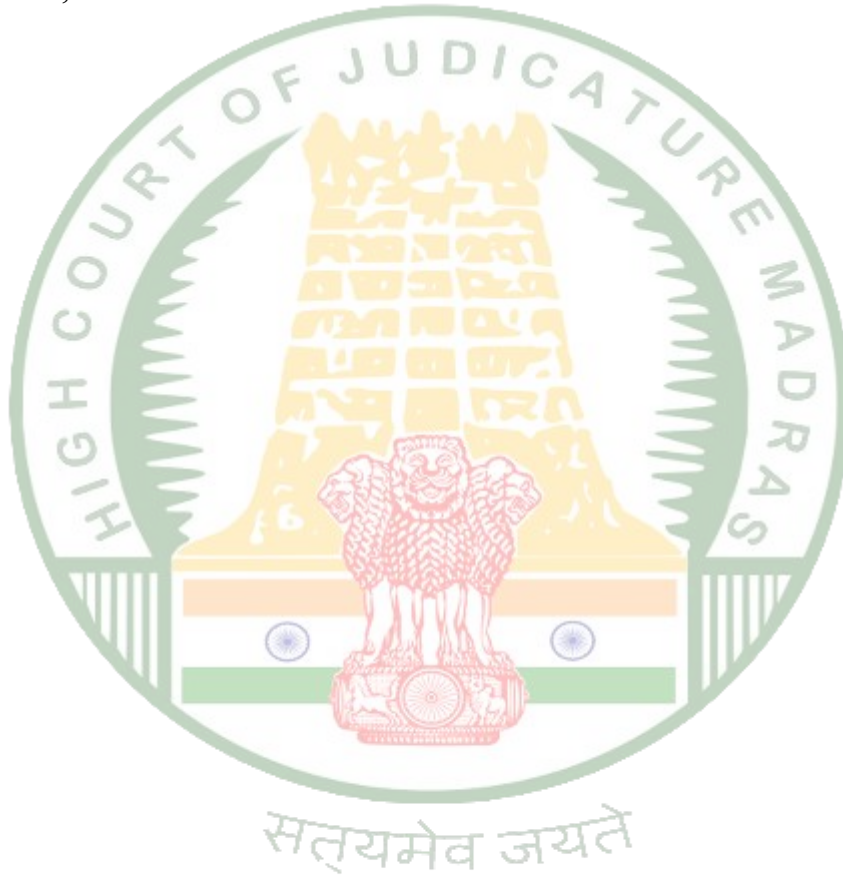
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To

The V Additional Judge,
Family Court, Chennai.



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G.K.ILANTHIRAIYAN. J.

rna



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