

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P(NPD).No.1168 of 2021

and

C.M.P.No.8961 of 2021

[Through Video Conferencing]

A.C.Anbu Suriya

... Petitioner / 1st Respondent

vs.

Keerthana

... Respondent / Petitioner

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure praying to set aside the Order dated 30.03.2021 passed in E.P.No.422 of 2020 in L.A.C.No.3896 of 2020 in D.V.C.No.27 of 2019 on the file of the learned II Additional District Judge at Puducherry by allowing the above Civil Revision Petition.

For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mr.R.Sreedhar

ORDER

The revision petition has been filed questioning the pendency of E.P.No.422 of 2020 now pending on the file of the II Additional District Court at Puducherry.

2.The said Execution Petition had been filed pursuant to an award of the Lok Adalat in L.A.C.No.3896 of 2020 dated 08.02.2020. The said Lok Adalat award was passed pursuant to discussion over the proceedings in D.V.C.No.27 of 2019, which was pending on the file of the Judicial Magistrate No.III at Puducherry.

3.The respondent had initiated D.V.C.No.27 of 2019 on the file of the Judicial Magistrate No.III at Puducherry. Thereafter, both the parties decided to settle the issues between themselves and were referred to the Lok Adalat and an award was passed on 08.02.2020. By the said award, the revision petitioner herein agreed to pay a sum of Rs.30,00,000/- [Rupees Thirty Lakhs only] as full and final settlement towards permanent alimony. It was agreed that the initial sum of Rs.15,00,000/- [Rupees Fifteen Lakhs only] shall be paid at the time of filing of mutual consent divorce petition and the balance sum of Rs.15,00,000/- [Rupees Fifteen Lakhs only] shall be paid on or before the date of Judgment in the said divorce petition.

4.The revision petitioner herein failed to comply with the said direction given in the Lok Adalat. Thereafter, E.P.No.422 of 2020 had been filed. In the said Execution Petition, an order was passed on 30.03.2021, wherein, the

revision petitioner was directed to pay the part permanent alimony of Rs.15,00,000/- [Rupees Fifteen Lakhs only] on or before 15.04.2021 and that the parties shall sign the mutual consent divorce petition on such payment. Failure to pay would invite an order of arrest against the revision petitioner herein.

5.Questioning that particular order, the present revision petition has been filed.

6.An affidavit had been now presented before this Court by the revision petitioner wherein, after stating various facts, he had stated as follows:

“Hence for the reasons stated above in the interest of justice it is most humbly prayed that this Hon'ble Court be pleased to to grant 6 months time for making payment sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the respondent and thereby comply with impugned order dated 30.04.2021 passed by the Learned II Additional District Judge, Puducherry in E.P.No.422/2020 in L.A.C.No.3896/2020 in D.V.C.No.27/2019 and thus render justice.”

7.Heard Mr.R.Sreedhar, learned counsel for the respondent also.

8.It is the contention of Mr.Prakash Adiapadam, learned counsel for the revision petitioner that the revision petitioner had been a victim on various

circumstances which prevented him from paying the said amount of Rs.15,00,000/-. However he has the intention of making payment of the said amount. It has also been stated that the family members of the revision petitioner and also himself tested positive of Covid-19 test and took treatment at Sri Ramachandra Medical College Hospital at Porur in Chennai. It is stated that he had also suffered a loss in the business due to the sudden announcement of national lock down owing to Covid -19 pandemic.

9. At any rate, it is the contention of the learned counsel Mr.Prakash Adiapadam that the commitment of payment for a sum of Rs.15,00,000/- shall be kept up.

10.On the other hand, Mr.R.Sreedhar, learned counsel for the respondent pointed out that the award was passed nearly a year and a half back and if the revision petitioner had complied with the directions of the Lok Adalat, both the parties would have had pleasure of leading their respective lives as on date.

11.It is stated that the respondent herein had therefore also suffered not just financial loss, but also mental agony owing to the delay caused by the revision petitioner herein.

12.Having heard the counsels, four months' time from today is granted to the revision petitioner to pay a sum of Rs.15,00,000/- [Rupees Fifteen Lakhs only] directly to the respondent herein. If the said commitment of payment of a sum of Rs,15,00,000/- [Rupees Fifteen Lakhs only] within a period of four months from today is not complied with, automatically the order dated 30.03.2021 in E.P.No.422 of 2020 would stand revived and the respondent would be at liberty to move the III Additional District Court at Puducherry to put into effect the order of arrest. Let me reduce the time period to a specific date which would indicate that a sum of Rs.15,00,000/- [Rupees Fifteen Lakhs only] should be paid on or before 30.11.2021. The other terms of the compromise may be adhered by the parties.

13.With the said observations, the Civil Revision Petition is disposed. Consequently, the connected miscellaneous petition is also closed. No order as to costs.

27.07.2021

Index:Yes/No
Internet:Yes/No
ssi
To

1.The II Additional District Court,
Puducherry.

C.V.KARTHIKEYAN, J.

ssi

C.R.P(NPD).No.1168 of 2021
and C.M.P.No.8961 of 2021

27.07.2021