

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

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

CRP.PD.No.474 of 2018
and CMP.No.2505 of 2018

S.Senthilkumar

..Petitioner

Vs.

V.Shrirajeswari

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the civil revision petition thereby set aside the order dated 13.10.2017 made in IA.No.393 of 2011 in HMOP.No.121 of 2011 passed by the Subordinate Judge, Tambaram.

For Petitioner : Mr.K.Natarajan

For Respondent : Mr.K.A.Dhanasekaran
for Mr.Mohana Sundararajan

ORDER

This Civil Revision Petition is filed challenging the order dated 13.10.2017 made in IA.No.393 of 2011 in HMOP.No.121 of 2011 passed by the Subordinate Judge, Tambaram, thereby ordered monthly maintenance at Rs.25,000/- per month payable by the petitioner till the disposal of the main OP.

2. The petitioner is the husband and the respondent is the wife. The petitioner filed petition for divorce on the ground of cruelty. While pending the divorce petition, the respondent filed petition for interim maintenance seeking a sum of Rs.40,000/- towards interim maintenance payable by the petitioner. The court below after considering the facts and circumstances of the case, ordered a sum of Rs.25,000/- as monthly interim maintenance payable by the petitioner from the date of petition i.e. 08.09.2011. Subsequently, interim maintenance petition was dismissed for default on 01.11.2012. It was restored only on 30.08.2016. Therefore, the court below ordered that the respondent is not entitled for arrears for the in-between period. Further ordered that if the petitioner fails to comply the said order, the main OP will be closed.

3. The learned counsel for the petitioner submitted that so far he has paid a sum of Rs.5,50,000/- as directed by this Court as interim maintenance. In fact, in the year 2018 itself, he failed to comply the order and as such the main HMOP for divorce was dismissed by the court below.

4. Considering the above facts and circumstances of the case, the present civil revision petition is disposed of on the following directions:

(i) The respondent is at liberty to proceed with the execution petition claiming arrears of maintenance, if any, from the petitioner herein.

(ii) It is made clear that so far the petitioner paid a sum of Rs.5,50,000/- and the Execution Court is directed to calculate the arrears of interim maintenance from the date of interim maintenance petition till the date of disposal of the divorce petition after deducting the period from 01.11.2012 to 30.08.2016, if the respondent files any execution petition.

Consequently, connected miscellaneous petition is closed. No order as to costs.

17.06.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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सत्यमेव जयते

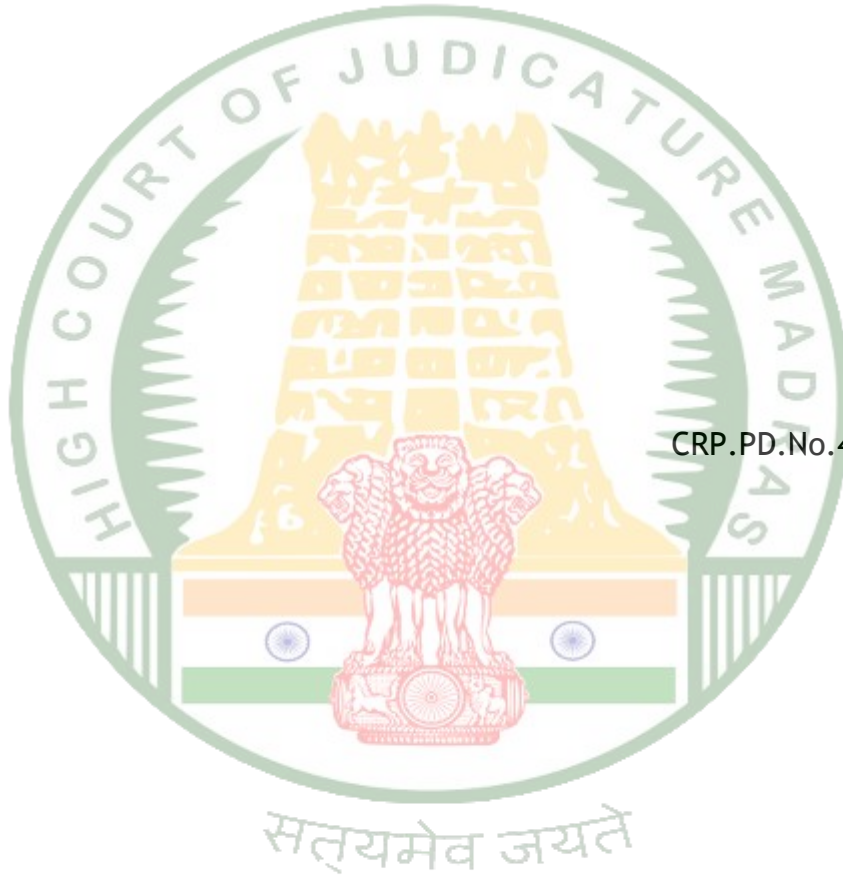
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G.K.ILANTHIRAIYAN,J.

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To

The Subordinate Judge,
Tambaram



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