

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

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

CRP.PD.No. 701 of 2018

Rani

... Petitioner

Vs.

The Commandant,
Vehicle Department Workshop,
EME, Avadi,
Chennai – 600 055.

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 08.03.2017 passed in I.A.No.767 of 2015 in O.S.No.555 of 2014 on the file of the Principal District Munsif at Poonamallee and to punish the respondent for violation of Court order.

For Petitioner

: Mr.V.Manohar

For Respondent

: Mr.S.Sathish Rajan

ORDER

This Civil Revision Petition is directed against the fair and decretal order passed in I.A.No.767 of 2015 in O.S.No.555 of 2014 dated 08.03.2017 on the file of the learned Principal District Munsif, Poonamallee, thereby dismissing the petition filed to arrest the respondent herein.

2. The petitioner is the plaintiff and the respondent is the second defendant in the suit filed by the petitioner for declaration to declare that the marriage between the first defendant and her husband deceased Murugan as null and void and also seeking mandatory injunction as against the respondent herein not to disburse the terminal benefits, pension and other benefits to the first defendant. The Court below granted interim injunction as against the respondent not to disburse any terminal benefits to the first defendant. The interim injunction was passed on 03.12.2014 and on 17.12.2014, the respondent entered appearance through his counsel. Subsequently, the interim order was extended from time to time. When that being so, the respondent disbursed part of the terminal benefits to the tune

of Rs.1,21,510/- to the first defendant in the suit. Thereafter, the petitioner filed a petition under Order 39 Rule 2-A of the Code of Civil Procedure to punish the respondent for wilful disobedience of the order passed by the Trial Court.

3. On a perusal of the records, it reveals that the petitioner was married to one deceased Murugan and thereafter, she filed a petition for divorce on the file of the Sub Court, Poonamallee. It was decreed by the judgment and decree dated 20.12.2002 and thereby, divorce was granted to the petitioner and her husband. Suppressing the said fact, the petitioner filed the suit for declaration to declare that the marriage took place between the first defendant viz., the second wife of the said deceased Murugan and the said Murugan declared as null and void. The decree of divorce formed part of the records maintained by the respondent herein. Further, on a perusal of the counter affidavit of the respondent herein, it reveals that he received only notice in the Interim Application and he did not receive any order in I.A.No.1616 of 2014 and as such, he did not have knowledge about the interim order passed by the trial Court. However, on a perusal of the decree of divorce was granted between the petitioner and her husband, the

respondent disbursed part of the terminal benefits to the first defendant. Therefore, the Court below rightly dismissed the petition on the ground that the respondent did not disobey the order passed by the Court below and also issued direction to the respondent herein. Therefore, this Court finds no infirmity or irregularity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. However, the trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. No costs.

09.04.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

kv

To

1. The Principal District Munsif, Poonamallee.

2. The Section Officer,
V.R.Section, High Court of Madras.

G.K.ILANTHIRAIYAN,J.

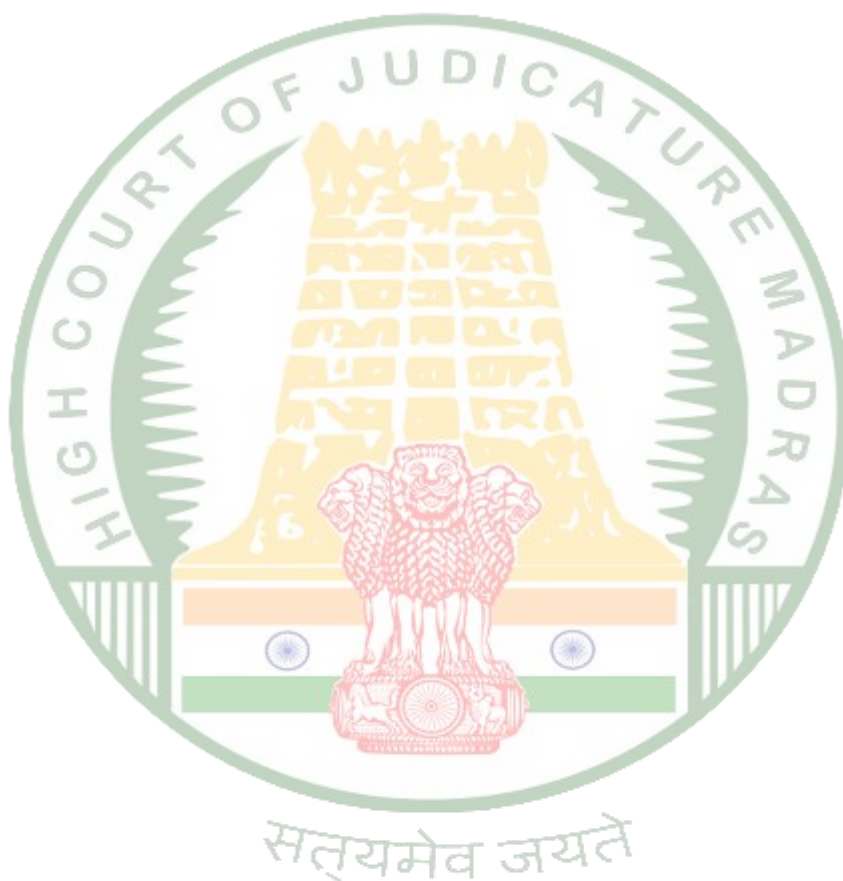
Kv



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