

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP(PD).No.4277 of 2018
and C.M.P.No.23432 of 2018

V.A.Poongavanam @ Srikanth

... Petitioner

Versus

N.Yamuna @ Yasodha

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 26.04.2018 in I.A.No.99 of 2017 in H.M.O.P.No.199 of 2013 on the file of the Subordinate Judge, Poonamallee, Tiruvallur District.

For Petitioner : Mr.B.Gandhi

ORDER

This Civil Revision Petition has been filed challenging the order dated 26.04.2018 in I.A.No.99 of 2017 in H.M.O.P.No.199 of 2013 on the file of the Subordinate Judge, Poonamallee, Tiruvallur District.

2.I.A.No.99 of 2017 in H.M.O.P.No.199 of 2013 was filed to condone the delay of 891 days in filing the restoration petition in H.M.O.P.No.199 of 2013. The Court below after considering the matter on merit, allowed the application subject to the condition of payment of 50% of the arrears of the interim maintenance on or before 26.06.2018.

3.When the matter is taken up for hearing today, the learned counsel for the petitioner made it clear that no amount has been paid till date. Under these circumstances, I do not find any merit in the present Civil Revision Petition to consider even for amendment.

4.Earlier, the matter came up for hearing on 21.12.2018 and it was adjourned to 10.01.2019. Thereafter, the case is listed today after the period of two years, which shows the petitioner is not interested in prosecuting the case. That apart, on merits, the petitioner has no case in the present Civil Revision Petition as the petitioner failed to deposit the arrears amount towards interim maintenance. Therefore, this Court does not find any error in the order passed by the Court below.

5.With the above observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

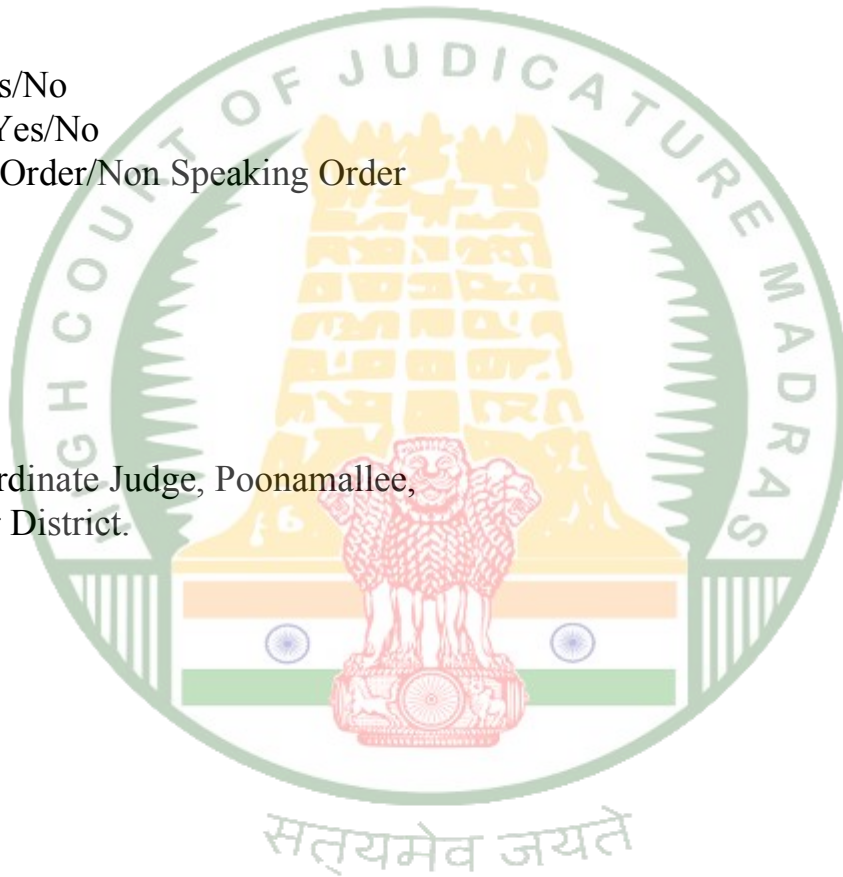
08.03.2021

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order

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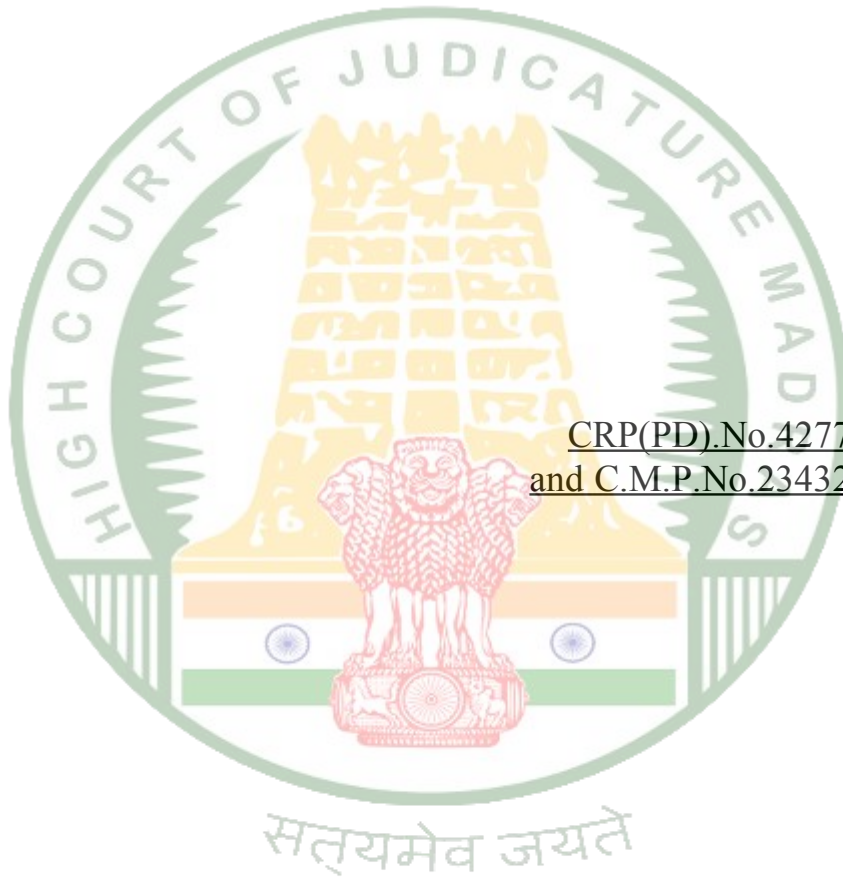
The Subordinate Judge, Poonamallee,
Tiruvallur District.



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KRISHNAN RAMASAMY.J.,

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