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C.M.A.Nos.1813 and 1814 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**
and
THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

C.M.A.Nos.1813 and 1814 of 2020
and C.M.P.Nos.13411 & 13412 of 2020 and
12142 & 12143 of 2021

Ashish

... Appellant in
both the appeals

Vs.

1.Harsha

2.Prachi (Minor)

3.Prisha (Minor)
(Minors/respondents 2 & 3 represented
by their mother and natural guardian
1st respondent)

... Respondents in
both the appeals

Common Prayer: These Civil Miscellaneous Appeals are filed under Section 19 of the Family Courts Act, 1984, against the fair and decreetal orders dated 02.11.2020 & 19.10.2020 made in I.A.Nos.2 & 1 of 2020 in O.P.No.5121 of 2019 on the file of the V Additional Judge, Family Court, Chennai.



C.M.A.Nos.1813 and 1814 of 2020

In both CMAs.

For Appellant : Mr.L.Chandrakumar

For Respondents : Mr.R.Manickavel

COMMON JUDGMENT

[Judgment of the Court was delivered by V.M.VELUMANI,J.]

These Civil Miscellaneous Appeals are filed against the fair and decretal orders dated 02.11.2020 & 19.10.2020 made in I.A.Nos.2 & 1 of 2020 in O.P.No.5121 of 2019 on the file of the V Additional Judge, Family Court, Chennai.

2.This Court by the order dated 09.12.2020 granted interim stay of the order of the learned V Additional Judge, Family Court, Chennai, dated 02.11.2020 & 19.10.2020 made in I.A.Nos.2 & 1 of 2020 in O.P.No.5121 of 2019 on the following conditions:

“(i) the appellant shall deposit 50% of the arrears amount of maintenance as directed by the Family Court to the respondents/wife and children, within a period of two weeks and;

(ii) the appellant shall continue to pay 50% of the



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monthly maintenance as directed by the Family Court to the respondents/wife and children.

Failing in any one of the above conditions, the interim stay granted shall stand automatically vacated, without further reference to the Court.”

3.The learned counsel appearing for the respondents filed memo stating that appellant has not complied with the conditional order of this Court passed for granting interim stay. In view of non payment of arrears amount and monthly maintenance as per the conditional order, the interim stay granted by this Court on 09.12.2020 was vacated automatically. The learned counsel appearing for the respondents further submitted that the respondents have filed E.P.Nos.49 and 55 of 2020 on the file of the V Additional Judge, Family Court, Chennai, to execute the order dated 02.11.2020 & 19.10.2020 made in I.A.Nos.2 & 1 of 2020 in O.P.No.5121 of 2019 on the file of the V Additional Judge, Family Court, Chennai and prayed for early disposal of the said E.Ps.

4.The learned counsel appearing for the appellant has not denied the non-compliance of the conditional order passed by this Court on 09.12.2020



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and submitted that in view of non-compliance of the said conditional order, nothing survives in the present appeals, they have become infructuous and he has also made an endorsement to that effect.

5.Considering the above submissions made by both sides as well as the endorsement made by the learned counsel appearing for the appellant, both the Civil Miscellaneous Appeals are dismissed as infructuous. The learned V Additional Judge, Family Court, Chennai, is directed to dispose of E.P.Nos.49 and 55 of 2020 as expeditiously as possible, in any event, within a month from the date of receipt of a copy of this order. No costs. Consequently, Miscellaneous Petitions are closed.

(V.M.V., J) (S.M., J)
26.10.2022

Index : Yes / No
kj



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To

1.The V Additional Judge
Family Court, Chennai.

2.The Section Officer,
VR Section,
High Court,
Madras.



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**V.M.VELUMANI,J.
and
SUNDER MOHAN,J.**

(kj)

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and C.M.P.Nos.13411 & 13412 of 2020 and
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26.10.2022