



CRP (PD) No.2953 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2022

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.R.P.(PD)No.2953 of 2017
and
C.M.P.No.13958 of 2017

Manikandan

.... Petitioner

vs

Vanitha

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 02.03.2017 passed in I.A.No.47 of 2014 in HMOP No.42 of 2012 on the file of Subordinate Judge, Mettur.

For Petitioner : Mr.R.Nalliyappan

ORDER

This civil revision petition has been filed against the order of maintenance passed in I.A.No.47 of 2014 in HMOP.No.42 of 2012, wherein the petitioner/husband was directed to pay a sum of Rs.3000/- to the petitioner and Rs.2000/- to their minor son, apart from a sum of Rs.7000/- towards litigation expenses to the respondent/wife.



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2. Originally, when the matter was taken up for admission on 22.08.2017, this Court ordered interim stay of the proceedings on condition that the petitioner shall deposit 50% of the maintenance arrears before the trial Court within a period eight weeks and also permitted the petitioner to continue to pay 50% of the maintenance awarded by the Court and also ordered notice through court and permitted the petitioner to take private notice on the respondent.

3. It is seen from the records that batta was not paid and no notice was served on the respondent. On 28.03.2022, fresh notice was ordered through Court and private notice was also ordered returnable by 10.06.2022. Thereafter, on several occasions the matter was adjourned, but no steps were taken by the petitioner to serve notice or to get instructions from the petitioner. On 29.06.2022, when the matter was called, there was no representation for the petitioner. Hence, the matter was directed to be listed on 29.06.2022 under the caption 'for dismissal'. On 30.06.2022, when the matter was called, the learned counsel for the petitioner would state that he is unable to get instructions from his client as to whether the conditional order has been complied with or not. Therefore, as a last chance, the matter was



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directed to be posted on 06.07.2022. Even today (06.07.2022), the learned counsel for the petitioner would state that he is unable to get instructions from the petitioner whether the conditional order passed by this Court has been complied with or not.

4. It is seen from the records that the petitioner has not deposited 50% of the amount as directed by this Court. Therefore, this Court has no other option except to dismiss the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.07.2022

Index:Yes/No
Speaking/Non-speaking order
vsi

To

The Subordinate Judge,
Mettur.



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J.NISHA BANU,J.

Vsi

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