



C.R.P. No.3864 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.No.3864 of 2017

M.Mani,
S/o. Munusamy

... Petitioner

Vs.

A.Kavitha,
D/o. Arumugam

... Respondent

PRAYER: Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the order and decreetal order dated 03.08.2017 passed in I.A.No.39 of 2015 in I.A.No.76 of 2013 in H.M.O.P.No. 71 of 2012 on the file of the Subordinate Judge, Ranipet, Vellore Dt.

For Petitioner : Mr.R.Ramesh

For Respondent : No appearance



C.R.P. No.3864 of 2017

ORDER

WEB COPY The revision petitioner is the petitioner/husband in H.M.O.P.No.71 of 2012 on the file of learned Sub-Judge, Ranipet, Vellore District against the respondent/wife seeking for dissolution of marriage between them and other consequential reliefs.

2. During the pendency of the said proceedings, the respondent/wife filed an application in I.A.No. 76 of 2013 claiming a sum of Rs.5000/- towards maintenance and the same was allowed as exparte. To set aside the said order, the petitioner/husband filed an application in I.A.No.39 of 2015 and the same was dismissed by the trial court stating that as arrears of maintenance is pending for more than Rs.2 lakhs. Furthermore, he has not shown any interest in proceeding the main H.M.O.P. and hence, the same is ordered to be struck off due to arrears of maintenance. But, without giving any opportunity, the maintenance amount was fixed as exparte by the trial court. Challenging the same, the present Civil Revision Petition has been filed by the petitioner.

3. On seeing the facts, from the year of 2012, the H.M.O.P. is pending between the parties, however there is no issue. Furthermore, due to



C.R.P. No.3864 of 2017

WEB COPY

pendency of arrears of maintenance, the H.M.O.P. was also struck off. To reach the finality in the proceedings as it is a family dispute between husband and wife, this Court is inclined to direct the petitioner to pay part of arrears of Rs.1 lakh towards maintenance payable to the respondent wife in trial court within 3 weeks from the date of receipt of copy of this order. On such payment, the trial court is directed to restore the H.M.O.P. and to dispose the matter within a period of four months thereafter. The respondent wife is permitted to withdraw the amount on filing undertaking affidavit before the trial court. Accordingly, this Civil Revision Petition is disposed of. No costs.

10.10.2022

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

Sub-Judge,
Ranipet.

3/4



WEB COPY



C.R.P. No.3864 of 2017

T.V.THAMILSELVI, J.

rpp

C.R.P.No.3864 of 2017

10.10.2022