



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

CRP (PD) No.886 of 2017

and

C.M.P.No.4361 of 2017

Hemavathy

... Petitioner/Petitioner/Respondent

Vs.

Rajesh

... Respondent / Respondent / Petitioner

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 11.11.2016 passed in I.A.No.45 of 2016 in HMOP No.11 of 2015 on the file of the Sub Court, Arakkonam, Vellore District.

For Petitioner .. Mr.A.Saranraj

For Respondent .. No appearance



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ORDER

The respondent in HMOP No.11 of 2015 now pending on the file of the Sub Court Arakonam, is the revision petitioner. She is the wife. In HMOP No.11 of 2015, she had filed IA No.45 of 2016 seeking monthly interim maintenance of Rs.6,000/- and a further sum of Rs.3,000/- towards legal expenses. That application came to be contested and final order was passed on 11.11.2016, whereby, the learned Sub Judge, Arakkonam passed an order granting Rs.4,000/- as interim maintenance per month and Rs.2,000/- towards legal expenses. Aggrieved by that order, the present Civil Revision Petition has been filed.

2. Notice had been directed to the respondent but there is no appearance on behalf of the respondent. Notices had also been forwarded to be served on the respondent through the Trial Court.

3. Mr. G. Somasekar and Mr. C. Balaji learned counsels had also filed vakalat on behalf of the respondent. There is no representation by the learned counsels. There was also no representation on the previous hearing date 16.02.2022.



4.Let me not hold over the present Civil Revision Petition any further.

5.It is the grievance of the revision petitioner that though interim maintenance had been determined at Rs.4,000/- and a further sum of Rs.2,000/- had been granted as legal expenses, from the date of the order till date, the respondent / husband had not paid a single naya paisa to the revision petitioner herein. HMOP No.11 of 2015 is still pending before the Trial Court.

6.Let me confirm the order dated 11.11.2016 in I.A.No.45 of 2016 in HMOP No.11 of 2015 passed by the learned Sub Judge Arakkonam. But let me place a direction on the learned Subordinate Judge, Arakkonam, that if the petitioner therein / husband / Rajesh s/o. Rajaram, does not pay the interim maintenance amount, and the entire arrears, then the petitioner herein / respondent in HMOP No.11 of 2015 may be permitted to take out distraint proceedings as against the petitioner in HMOP No.11 of 2015 for recovery of the arrears maintenance amount and the legal expenses as determined in IA.No.45 of 2016 dated 11.11.2016 and let not trial start or commence till the maintenance



amount is paid in entirety to the respondent in HMOP No.11 of 2015 / Hemavathy. The learned Sub Judge should keep in mind that the interim maintenance and the amount paid towards legal expenses should be satisfied by the petitioner in HMOP No.11 of 2015 before further proceedings are initiated.

7. With the above observations, the Civil Revision Petition is disposed of. Consequently, connected Civil Miscellaneous Petition is closed. No order as to costs.

28.02.2022

Internet: Yes/No
Index: Yes/No
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To
1. The Sub Court Arakonam.



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5

C.V.KARTHIKEYAN,J.

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