



C.M.P.No.6198 of 2023

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in

C.M.A.No.9 of 2023

S.S.SUNDAR,J.,

and

P.B.BALAJI,J

(Order of the Court was made by S.S.SUNDAR,J.)

This Court, in the application filed by the petitioner/appellant in C.M.P.No.80 of 2023 granted an order of interim stay on condition that the petitioner deposits 50% of the amount to the credit of O.P.No.1308 of 2019 on the file of the Principal Family Court, Chennai within a period of eight weeks from the date of receipt of a copy of the order.

2. The appellant in C.M.A.No.9 of 2023 has now filed the present petition to modify the order dated 09.01.2023 passed in C.M.P.No.80 of 2023 by relaxing the condition imposed on the petitioner to deposit 50% of the maintenance amount to the credit of the O.P.No.1308 of 2019 on the file of the Principal Family Court, Chennai and allow the petitioner to continue to pay a sum of Rs.30,000/- every month towards maintenance.



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3. This Court finds that the conditional order is not complied with.

Learned counsel appearing for the petitioner now states that the petitioner may be permitted to pay a sum of Rs.45,000/- per month and he cannot make any deposit towards 50% of the amount as ordered by this Court while granting stay.

4. The petition for modification is filed without indicating any change of circumstances but by pleading that the petitioner has financial difficulties on account of servicing two loans which were obtained for purchasing substantial properties both in the name of petitioner as well as the respondent. In the course of argument, the counsel for the petitioner has admitted that the properties were purchased with the contribution of wife in full towards her half share. According to the counsel for the respondent, it is the petitioner who has gone for loan in order to mobilize funds for purchasing some other property. In the said context, this Court is not inclined to modify the order passed in C.M.P.No.80 of 2023 dated 09.01.2023.

Accordingly, this Civil Miscellaneous Petition is dismissed. Post the C.M.A.Nos. 8 and 9 of 2023 after summer vacation.

kpr

(S.S.S.R.J) & (P.B.B.J)
18.04.2023