



C.R.P.No.1351 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM:

The Hon'ble MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.No.1351 of 2020
and C.M.P.No.7473 of 2020

Rajagopal

...Petitioner

-Vs-

Hemavathi

...Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.03.2020 made in C.M.A(H.M.O.P).No.18 of 2019, on the file of the learned Principal District Judge, Villupuram, confirming the fair and decreetal order dated 12.03.2019 made in I.A.No.892 of 2018 in H.M.O.P.No.61 of 2017 on the file of the learned Principal Subordinate Judge, Tindivanam.

For Petitioner : Mr.P.Dinesh Kumar
For Respondent : Mr.S.Muthaiah

ORDER

The learned Counsel for the Respondent in the Civil Revision Petition had filed a memo dated 17.03.2023 stating that at the time of admission stage, the learned Judge of this Court granted stay of the order



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of the learned Judge, Family Court, Chennai, dated 13.07.2020, with a direction that the Revision Petitioner shall pay 50% of the arrears amount and continue to pay the maintenance at the rate of Rs.7,500/- [Rupees Seven Thousand Five Hundred Only] per month. On such compliance, the order of the Lower Appellate Court stands stayed.

2.On 17.03.2023, a memo was filed by the learned Counsel for the Respondent stating that the Revision Petitioner herein husband had not paid a single paise as per the order passed by this Court on 13.07.2020. Therefore, this Court had sought remarks from the learned Principal Subordinate Judge, Tindivanam. As per the remarks offered by the learned Principal Subordinate Judge, Tindivanam, the H.M.O.P.No.61 of 2017 was dismissed for default on 16.09.2021 and Petition in I.A.No.143 of 2022 filed under Section 5 of the Limitation Act, is posted for filing counter of the Respondent on 21.04.2023.

3.The conduct the Revision Petitioner herein husband in this case is reflected in the remarks of the learned Principal Subordinate Judge, Tindivanam, that he has allowed H.M.O.P.No.61 of 2017 to be dismissed



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for default on 16.09.2021.

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4.The learned Principal Subordinate Judge, Tindivanam, is directed that until and unless he pays the entire amount as per the order passed by the learned Principal Subordinate Judge, Tindivanam, in I.A.No.892 of 2018 in H.M.O.P.No.61 of 2017. The H.M.O.P.No.61 of 2017 need not be restored.

5.With the above, this Civil Revision Petition stands dismissed for default. No costs. Consequently, connected miscellaneous petition is closed.

29.03.2023

cda

Index : Yes/No

Speaking/Non-speaking order



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SATHI KUMAR SUKUMARA KURUP, J.,

cda

To

- 1.The Principal District Judge, Villupuram.
- 2.The Principal Subordinate Judge, Tindivanam.

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29.03.2023