



CRP No.1306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE Dr.JUSTICE **D.NAGARJUN**

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and

CMP.No.8788 of 2023

R.Aishwarya

... Petitioner

-Vs-

P.Sai Sundaram

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 20.03.2023 in I.A.SR.No.2622 of 2023 in O.P.No.1372 of 2021 on the file of the VII Additional Family Court, Chennai and direct the Court to number the petition file and dispose the same on merit.

For Petitioner : Mr.Sudharshana Sunder

ORDER

Heard the learned counsel for the revision petitioner. Perused the records.



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2. This Civil Revision Petition is filed aggrieved by the orders passed in I.A.SR.No.2622 of 2023 dated 20.03.2023 in O.P.No.1372 of 2021 on the file of the VII Additional Family Court, Chennai.

3. According to the learned counsel for the revision petitioner, one of the clauses of agreement entered into between the parties, the respondent agreed to pay interim maintenance to the petitioner to the tune of Rs.35,000/- (Rupees Thirty Five Thousand only) per month until disposal of OP.No.1372 of 2021 and that the respondent stated to have also admitted about the execution of the said agreement in his reply notice dated 12.01.2023. The petitioner has filed IA.SR.No.2622 of 2023 seeking for a direction to pay the interim maintenance as agreed in the Memorandum of Understanding dated 20.11.2020. The Trial Court has returned the said petition stating that there was no order passed by the Court directing the respondent to pay interim maintenance.

4. Perused the records including the orders passed by the learned Family Court Judge. The question that may fall for consideration before the Trial Court would be how the petition filed for direction to pay interim



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maintenance, basing on the agreement outside the Court can be considered when there is no formal direction from the Family Court. However, the Family Court could have numbered and after hearing both sides appropriate orders could have been passed.

5. Considering the circumstances, this Civil Revision Petition is disposed of with a direction to the learned VII Additional Judge, Family Court, Chennai to register the I.A.SR.No.2622 of 2023 and issue notice to the respondent and dispose of the same on merits as expeditiously as possible after hearing both sides. Registry is directed to return the original order to the counsel on record for the revision petitioner on substitution with photo copy of the same. There shall be no order as to costs. Consequently, connected CMP is also closed.

24.04.2023

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To

1. The VII Additional Judge,
Family Court,
Chennai.



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Dr.D.NAGARJUN, J.

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