



C.R.P.No.2393 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 20.06.2023

Delivered on 20.12.2023

CORAM:

The Hon'ble MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.No.2393 of 2021
and C.M.P.No.18168 of 2021

S.Ezhilarasan

...Petitioner/Judgment Debtor/
Respondent/Petitioner

-Vs-

K.Gomathi

...Respondent/Decree Holder/
Petitioner/Respondent

Prayer:- Petition filed under Section 115 of Civil Procedure Code, against the fair and final order dated 21.09.2021 passed by the learned I Additional Judge Family Court, Chennai, in E.P.No.62 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013.

For Petitioner : Mr.A.Sriram
for Mr.L.Mouli

For Respondent : M/s.R.Sumithra Chakkaravarthi



C.R.P.No.2393 of 2021

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ORDER

This Civil Revision Petition is filed by the Petitioner/husband in O.P.No.3813 of 2013 before the learned Family Court Judge, Coimbatore, who is the Revision Petitioner herein.

2. Brief facts which are relevant to decide this Civil Revision Petition are as follows:-

- a) It is the case of the Revision Petitioner that the Revision Petitioner is the husband. The wife had filed the Petition in O.P.No.3813 of 2013 for the restitution of conjugal rights. The husband had filed divorce Petition before the Family Court, Coimbatore. The wife had filed Petition to transfer the H.M.O.P.No.1567 of 2017 pending on the file of the Family Court, Coimbatore, to the Family Court at Chennai. The divorce Petition filed by the husband which was pending on the file of the Family Court, Coimbatore, was withdrawn and transferred to the file of the Family Court, Chennai. The wife had filed Petition for interim maintenance and for litigation expenses in the Petition for divorce.



C.R.P.No.2393 of 2021

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b) After due enquiry, the learned Principal Judge, Principal Family Court, Chennai, had passed orders directing the husband, the Petitioner in O.P.No.3813 of 2013 to settle 25% of arrears of interim maintenance and litigation expenses. Since the husband had not paid the litigation expenses. The learned Principal Judge, Principal Family Court, Chennai, had dismissed the O.P.No.3813 of 2013 filed by the husband. Meanwhile, the wife had filed E.P.No.61 of 2021 in I.A.No.399 of 2017 on the file of the learned I Additional Principal Judge Family Court, Chennai, seeking arrest of the Revision Petitioner herein, the husband.

3.The learned Counsel for the Revision Petitioner contended that the Revision Petitioner had preferred Revision Petition against the order passed by the learned I Additional Principal Judge Family Court, Chennai, in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 21.09.2021.

4.The grounds raised by the Revision Petitioner/husband that the learned I Additional Principal Judge Family Court, Chennai, does not have



C.R.P.No.2393 of 2021

territorial jurisdiction as the husband is residing within the local jurisdiction of the Family Court, Coimbatore, and also that the properties mentioned by the wife in the Petition in I.A.No.399 of 2017 in O.P.No.3813 of 2013 are in Coimbatore. Aggrieved by the order passed in I.A.No.399 of 2017 in O.P.No.3813 of 2013, the husband had filed C.M.A.No.1912 of 2019 .

5.C.M.A.No.1912 of 2019 was dismissed by order dated 15.03.2019. Also, he would submit that CrI.O.P.No.614 of 2021 was disposed of with a direction to the Petitioner to file appropriate Petition before the learned I Additional Principal Judge Family Court, Chennai, and to recall the order passed by the learned I Additional Principal Judge Family Court, Chennai. It is further submitted that three I.As were filed and pending before the learned I Additional Principal Judge Family Court, Chennai, and also that he had filed Petition to restore the divorce Petition filed by him. Therefore, he seeks to set aside the order of the learned I Additional Principal Judge Family Court, Chennai, ordering arrest without jurisdiction.

6.Learned Counsel for the Respondent submitted that the husband had filed Petition for divorce before the Family Court, Coimbatore. The



C.R.P.No.2393 of 2021

wife had filed Petition to transfer the said Petition for divorce filed by the husband to be withdrawn and transferred from the file of the learned I Additional Principal Judge Family Court, Chennai. Accordingly, the O.P filed by the husband in O.P.No.3813 of 2013 was withdrawn from the Family Court, Coimbatore, and transferred to the Family Court at Chennai.

7.In the said Petition, the wife had filed I.A.No.399 of 2017 in O.P.No.3813 of 2013 under Section 24 of the Hindu Marriage Act, 1954, seeking interim maintenance during the pendency of O.P.No.3813 of 2013 and for litigation expenses. The same was resisted by the husband as Respondent. After due enquiry, the learned I Additional Principal Judge Family Court, Chennai, had allowed the Petition in I.A.No.399 of 2017 in O.P.No.3813 of 2013 as per order dated 08.02.2019. The learned I Additional Principal Judge Family Court, Chennai, ordered the Respondent husband to pay Rs.12,000/- as interim maintenance per month from the date of the application on 18.11.2016. Further directed to pay the said amount on or before 5th of every month. Also, litigation expenses of Rs.15,000/- was ordered to the Petitioner/wife. Aggrieved by the order passed by the learned I Additional Principal Judge Family Court, Chennai,



C.R.P.No.2393 of 2021

dated 08.02.2019, the husband/Respondent in I.A.No.399 of 2017 in O.P.No.3813 of 2013 had filed C.M.A.No.1912 of 2019 before the Hon'ble High Court.

8.C.M.A.No.1912 of 2019 was dismissed by the Hon'ble Division of this High Court as per judgment dated 15.03.2019. Subsequently, the husband had filed Petition in Crl.O.P.No.614 of 2021 dated 06.04.2021, under Section 482 of Cr.P.C seeking police protection to the husband, the Petitioner in Crl.O.P.No.614 of 2021 before the learned I Additional Principal Judge Family Court, Chennai, to number the unnumbered Petition IA of 2020 in I.A.No.399 of 2017 in O.P.No.3813 of 2013.

9.It is the contention of the husband as Petitioner in Crl.O.P.No.614 of 2021 that the wife as Petitioner in I.A.No.399 of 2017 in O.P.No.3813 of 2013 had given false particulars and suppressed the facts. Since the Petition filed by the husband had not been numbered by the learned I Additional Principal Judge Family Court, Chennai. The husband had filed Petition seeking police protection to appear before the learned I Additional Principal Judge Family Court, Chennai, and also seeking direction to



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number the Petition. The said Petition was disposed of with a direction to the husband as Petitioner to workout his remedy by moving the learned I Additional Principal Judge Family Court, Chennai, seeking modification of the order or seeking recall of the earlier order passed by the learned I Additional Principal Judge Family Court, Chennai, without exhausting such remedy, the husband cannot invoke the powers of the Hon'ble High Court under Section 482 of Cr.P.C. Therefore, the Petition in CrI.O.P.No.614 of 2021 was disposed of by order dated 20.01.2021 with a direction to the husband to workout his remedy in the manner suggested in the order and depending upon the final result of the application, he can revive the application under Section 342 of Cr.P.C. If the situation so went, according to the above observation, the Criminal Original Petition was disposed of and till date the husband had been protracting the proceedings by evading to pay the maintenance ordered by the learned I Additional Principal Judge Family Court, Chennai, dated 08.02.2019. Therefore, the wife as Petitioner in I.A.No.399 of 2017 in O.P.No.3813 of 2013 had moved E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 seeking attachment of the properties of the Respondent in the Execution Petition and Respondent in I.A.No.399 of 2017 in O.P.No.3813 of 2013 for



execution of the decree of maintenance.

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10. In the Execution Petition, the husband had filed counter disputing the jurisdiction of the learned I Additional Principal Judge Family Court, Chennai, in exercising the jurisdiction for executing the order in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 08.02.2019 on the ground that the properties are situated outside the jurisdiction of the Family Court, Chennai and also the Respondent/Judgment Debtor is residing within the local limits of the Family Court, Coimbatore. Therefore, the territorial jurisdiction of the Family Court, Chennai, is not attracted. The learned I Additional Principal Judge Family Court, Chennai, had rejected the contention of the Respondent/Judgment Debtor and allowed the Petition of the wife, who is the Petitioner in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 by order dated 20.01.2019.

11. The learned Counsel for the Respondent contended that the husband as Respondent in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 and the Respondent in I.A.No.399 of 2017 in O.P.No.3813 of 2013 had not at all obeyed the order of the Court from the



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date of passing of the order in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 08.02.2019. Also, when the husband as Respondent in I.A.No.399 of 2017 in O.P.No.3813 of 2013 and as Petitioner in O.P.No.3813 of 2013 had not obeyed the orders of the learned I Additional Principal Judge Family Court, Chennai, in I.A.No.399 of 2017 in O.P.No.3813 of 2013 for interim maintenance and for litigation expenses, as per order of the Court, the Petitioner in O.P.No.3813 of 2013 cannot be permitted to prosecute the O.P.No.3813 of 2013. Therefore, O.P.No.3813 of 2013 was dismissed on the ground of default as the husband, as Respondent in I.A.No.399 of 2017 in O.P.No.3813 of 2013 had not complied with the order of the learned I Additional Principal Judge Family Court, Chennai.

12.Learned Counsel for the Respondent vehemently objected to the lines of argument of the learned Counsel for the Revision Petitioner/ husband, stating that as per Section 95 and as per Order XXI, Rules 30, 37 and 38 of C.P.C, the territorial jurisdiction of the Court of the learned I Additional Principal Judge Family Court, Chennai, is not applicable in the facts of this case as it is under the C.P.C. This is a special enactment whereby Sections 18 and 20 of the Family Courts Act prevails over the



general law.

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“18.Execution of decrees and orders

(1) A decree or an order [other than an order under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974)], passed by a Family Court shall have the same force and effect as a decree or order of a civil court and shall be executed in the same manner as is prescribed by the Code of Civil Procedure, 1908 (5 of 1908) for the execution of decrees and orders.

(2) An order passed by a Family Court under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) shall be executed in the manner prescribed for the execution of such order by that Code.

(3) A decree or order may be executed either by the Family Court which passed it or by the other Family Court or ordinary civil court to which it is sent for execution.”

“20.Act to have overriding effect

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

The Family Court has jurisdiction to execute the decree of the Family Court.

13.The learned Counsel for the Respondent invited the attention of this Court to the reported decision of the Division Bench of the Hon'ble High Court of Kerala at Ernakulam in the case of **Anoop Vijay Vs. Anoop Vijay** dated **13.01.2021**, which is with regard to a similar issue. The



Division Bench of the Hon'ble High Court of Kerala, Ernakulam, held as

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follows:-

“7.The main ground of challenge in the original petition is that once it was held that execution proceedings was not maintainable in the Family Court at Muvattupuzha, the said court could not have subsequently issued an arrest warrant in a second execution petition. It was also contended that when on the one hand the court stated that it had no jurisdiction, it could neither have issued an arrest warrant nor imposed any condition in the nature of directing furnishing of security for permitting the petitioner to travel abroad. Petitioner also referred to the judgment in O.P.(F.C) No.681/2019 of this Court, between the same parties herein, reported as Arunima v. Anoop [2020 (2) KLT 172], where the order of the Family Court, Muvattupuzha, holding that it did not have jurisdiction to deal with the execution petition filed by the OP (FC).No.198 OF 2020 respondent, since the husband was residing outside the jurisdiction of the said court was upheld. He pointed out that the said decision is binding. It was also contended that, due to the financial position of the petitioner, he is unable to meet the commitments for payment of maintenance ordered in M.C.No.14/2013 or those agreed upon in the compromise agreement in O.P.No.251/2014. Petitioner who argued as a party in person further submitted that, when the court had already held that it had no jurisdiction to deal with the execution petition, it could not have passed an order imposing conditions for permitting his travel abroad.

8.The respondent, on the other hand contended that the petitioner is hell bent upon trying to avoid paying any amount as agreed to, and is dragging the hapless respondent, repeatedly to different courts, in spite of agreeing in the compromise agreement to pay the amounts due to her. It was argued that, neither the maintenance amount nor the amount of Rs.10,75,000/- or even the gold ornaments have been given to the respondent, who is struggling to make her both ends meet, especially without a



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C.R.P.No.2393 of 2021

job for herself. The learned counsel for the respondent Sri.Vipin Narayan further submitted that the Family Court which passed the decree in O.P.No.251/2014, certainly has the jurisdiction to deal with the OP (FC).No.198 OF 2020 execution petition and the contention to the contrary was not legally sustainable. He also submitted that the judgment in O.P.(F.C) No.681/2019 (reported as *Arunima v. Anoop* [2020 (2) KLT 172]), is *per incuriam* since the said judgment had not taken note of [Section 20](#) of the [Family Courts Act](#) which gives overriding jurisdiction to the [Family Courts Act](#) even over the provisions of the CPC. He contended that the finding of the Family Court that it had no jurisdiction to execute the decree since the husband against whom the decree is sought to be executed is residing outside the jurisdiction of the court, was not legally proper. Even otherwise, the learned counsel submitted that it was the petitioner who moved the Family Court to permit him to travel abroad and it was in that petition that Ext.P8 order was passed and hence when the petitioner himself acquiesced into the jurisdiction of the Family Court, Muvattupuzha, it was within the court's authority to pass the order in the nature of Ext.P8.

9. We have considered the rival contentions. Sri.Anoop Vijay, who argued in person repeatedly submitted that the Family Court, Muvattupuzha has no jurisdiction over him and hence it could not have issued an arrest warrant in E.P.No.32/2017 due to the jurisdictional limitations. According to him, the court contradicted its OP (FC).No.198 OF 2020 own order by directing furnishing of security since in the earlier execution petition the court had found that it had no jurisdiction which was affirmed by this Court.

10. On an appreciation of the facts arising in this case, We find that there is an attempt on the part of the petitioner- judgment debtor, to avoid complying with the obligations incurred by him in the compromise agreement in O.P.No.251/2014 of the Family Court, Muvattupuzha. All what Ext.P8 ordered was to furnish security for the decree in O.P.No.251/2014 for the purpose of enabling him to travel abroad as he desires. We are of the view that



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C.R.P.No.2393 of 2021

the Family Court, Muvattupuzha was certainly within its jurisdiction in passing such orders in the course of execution of the decree for more reasons than one.

12. At this juncture, it may not be out of context to mention that a decree is to be executed by the court which passed it or by the court to which it is sent for execution. [Section 18\(3\)](#) of the Family Courts Act 1984 (for short 'the Act') states that a decree or order may be executed either by the Family Court which passed it or by the other Family Court or ordinary civil court to which it is sent for execution. On a reading of [Section 18\(3\)](#) of the Act, it can be seen that the Family Court which passed the decree or order shall have jurisdiction, until it is sent to another court for execution.

8. It is to be borne in mind that [Section 39\(4\)](#) was introduced in the statute book, by way of amendment, when Section 38 of CPC was already in existence. Therefore, we hold that Section 38 of CPC is subject to Section 39(4) of the CPC. It is pertinent to note that there is no specific provision in the [Family Courts Act](#), which would stand contrary to various provisions under Section 39 of CPC. Therefore, the provisions, under Section 39 of CPC, shall apply as such to the suits and proceedings before the Family Court. If Section 38 of CPC is subject to Section 39(4) of CPC, it must be held that [Section 18\(3\)](#) of the Family Courts Act, which stands in pari materia with Section 38 of CPC is also subject OP (FC).No.198 OF 2020 to [Section 39\(1\)\(a\)](#) and (4) of the CPC and it will not override the negative couch, under Section 39(4) of CPC. In short, [Section 18\(3\)](#) of the Family Courts Act, is subject to [Section 39\(1\)\(a\)](#) and (4) of CPC. Further, we find that the Family Court, which passed the decree, cannot execute a decree, personally, against the judgment debtor, who actually and voluntarily resides or personally works for gain, or carries on business, within the jurisdiction of another Family Court. Therefore, in such cases the decree is liable to be transferred under Section 39(i)(a) of the CPC to the Family Court, within whose jurisdiction the judgment debtor actually and voluntarily resides or carries on business, or personally works for gain. That apart, we



further find that the legislative intent, behind the insertion of [Section 39\(4\)](#), is speedy and effective execution of the decree, notwithstanding the inconvenience, that may be caused to the decree holder, by the transfer of decree.

14. Though the aforesaid observations were rendered in a case between the same parties, we note with great respects, that the provision in [Section 20](#) of the Act was not brought to the notice of the Court, nor was it considered in the said decision, thereby rendering the judgment in Arunima's case (*supra*) as per incuriam.

15. In order to properly elaborate and also appreciate how the dictum in Arunima's case (*supra*) is per incuriam, it is necessary to extract [section 18](#) and S.20 of the Act as below :-

18. Execution of decrees and orders.- (1) A decree OP (FC).No.198 OF 2020 or an order [other than an order under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974)], passed by a Family Court shall have the same force and effect as a decree or order of a Civil Court and shall be executed in the same manner as is prescribed by the Code of Civil Procedure, 1908 (5 of 1908) for the execution of decrees and orders.

(2). An order passed by a Family Court under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974) shall be executed in the manner prescribed for the execution of such order by that Code.

(3). A decree or order may be executed either by the Family Court which passed it or by the other Family Court or ordinary Civil Court to which it is sent for execution.

20. Act to have overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

18. [Section 20](#) of the Act gives the [Family Courts Act](#) an overriding effect over all other laws. The overriding effect of the Act under [Section 20](#) and the applicability of CPC made subject to the provisions of the Act, makes it



abundantly clear that, the intention of OP (FC).No.198 OF 2020 legislature was to give exclusive jurisdiction to the *Family Courts Act*. Coupled with the aforesaid statutory provisions, is the applicability of the principle of special law prevailing over the general law. In the instant case, the *Family Courts Act* is a special law while the CPC is the general law. So viewed, the forum for execution created under the *Family Courts Act* will prevail over the forum specified under the CPC.

19. With the above principles in mind when we appreciate *Section 18* of the Act, it can be understood that though the manner of executing the decree of a Family Court, is as prescribed in the CPC, the court that has to execute the decree or order is primarily the Family Court which passed the decree or order. The "other Family Court or ordinary civil court to which it is sent for execution" is secondary in nature. It arises only after an application by the decree holder to send the decree for execution is made and the Family Court which passed the decree or order, directs sending of the decree for execution to the other Court. The words "by the other Family Court or ordinary civil court" in *Section 18(3)* of the Act is controlled and guided by the words "to which it is sent for execution". If it is not sent, undoubtedly the jurisdiction to execute the decree will continue to vest or remain with the Family Court that passed the decree or OP (FC).No.198 OF 2020 order. Such an interpretation arises on account of the overriding effect of the *Family Courts Act* in *Section 20* and also due to the necessity of having certainty of laws. If the court of execution is a fluctuating one, depending on wherever the judgment debtor resides, an unscrupulous judgment debtor could easily circumvent or delay execution by repeatedly shifting his place of residence.

20. It is a hard truth that in spite of stipulation of time schedule for deciding the disputes brought before the Family Court, for explicable and inexplicable reasons, the command of the *Family Courts Act* for timely disposal,



*remains on the statute book as a letter without achieving the purpose. It is often remarked that the real problem of a decree holder in a suit starts with the obtaining of a decree. If the objection of the nature raised in this case to the execution petition is accepted, we are afraid, it would make execution of a Family Court decree a mirage in the hands of a judgment debtor who, with fleeting quickness, can change the residence from one place to another. Such an interpretation is ex facie contrary to the scheme, purpose and scope of the *Family Courts Act*.”*

14.In the light of the above reported ruling, the learned Counsel for the Respondent/wife submitted that the reported ruling of the Division Bench of the Hon'ble High Court of Kerala, Ernakulam, is of the same kind that the husband against whom an order of maintenance has been passed by the Hon'ble High Court of Kerala, Ernakulam, had evaded to pay interim maintenance and litigation expenses and at the same time resisted the execution proceedings of the Family Court at Ernakulam in Kerala, claiming that the Family Court, Ernakulam, does not have territorial jurisdiction to execute the decree. The Family Court in Ernakulam had executed a decree.

15.Aggrieved by the same, O.P. under Article 227 of the Constitution of India, seeking to set aside the order of the Family Court,



C.R.P.No.2393 of 2021

Ernakulam, issuing arrest warrant against the Petitioner. The said O.P was dismissed, holding Section 20 of the Family Courts Act, prevails over the C.P.C. Therefore, the Family Court has jurisdiction. Since the reported decision of the Division Bench of the High Court of Kerala, Ernakulam, is found acceptable in the facts and circumstances of this case. Here also, the husband had attempted to evade payment of interim maintenance and resisted the execution proceedings before the learned I Additional Principal Judge Family Court, Chennai, which was rejected by the learned I Additional Principal Judge Family Court, Chennai, and arrest as well as attachment were passed against the husband, who is the Petitioner in the Civil Revision Petition. Therefore, the learned Counsel for the Respondent seeks to dismiss this Civil Revision Petition as having no merit.

16. Point for consideration:

Whether the order passed by the learned I Additional Principal Judge Family Court, Chennai, in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 21.09.2021, is without jurisdiction and is to be set aside?



C.R.P.No.2393 of 2021

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17. On consideration of the rival submission and perusal of the records, it is found that as per the order passed in CrI.O.P.No.614 of 2021, the husband had not filed any Petition to recall the order in I.A.No.399 of 2017 in O.P.No.3813 of 2013. The order passed in I.A.No.399 of 2017 in O.P.No.3813 of 2013 by the learned I Additional Principal Judge Family Court, Chennai, that the Appeal filed by the husband who is the Respondent in I.A.No.399 of 2017 in O.P.No.3813 of 2013 as Appellant in C.M.A.No.1912 of 2019 was dismissed by the Hon'ble Division Bench of this Court. Therefore, it has attained finality and the attempt of the Respondent disputing the jurisdiction of the Family Court, in executing the order passed by the learned I Additional Principal Judge Family Court, Chennai, is found to be an exercise to evade the payment of arrears of interim maintenance ordered by the learned I Additional Principal Judge Family Court, Chennai.

18. In the light of the submission of the learned Counsel for the Respondent/wife in the Civil Revision Petition, the reliance placed by the learned Counsel for the Respondent/wife relied on the reported ruling of the Hon'ble Division Bench of this Court holding that Sections 18 and 20



C.R.P.No.2393 of 2021

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of the Family Courts Act gives an ample power to the Family Court to exercise power to implement the order of the Family Court is accepted by this Court as there is no reported decision of this High Court contradictory to the above rulings.

19. Therefore, in the light of the above ruling, the submission of the learned Counsel for the Revision Petitioner/husband that the learned I Additional Principal Judge Family Court, Chennai, had passed orders in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 21.09.2021 is without jurisdiction is rejected. It is the general principle of law when there is conflict between general laws and special laws, the special laws prevails over the general law.

20. C.P.C. is a general law procedural law. The Family Courts Act is a special law to deal with procedures in Civil Court concerning family disputes like restitution of conjugal rights, divorce, custody of children, disputes regarding properties purchased by contributions from husband and wife, maintenance of the wife and children, etc. Therefore, the necessity to enact the Family Courts Act, arose as the general law of C.P.C was not



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helpful for early resolution of the disputes.

21.In the light of the general principle that special laws prevailed over the general law. Section 18(3) of the Family Courts Act and Section 20 of the Family Courts Act are found applicable to the facts and circumstances of this case.

22.In the reported decision of the Hon'ble Division Bench of the High Court of Kerala, Ernakulam, it has rightly pointed out that the husband as Respondent in a case of payment of maintenance, may shift his residence every time, there is an order from the Court to avoid or defeat the Act orders of the Court in implementing the order of the Court for payment of maintenance and this can be curtailed by the original jurisdiction of the Family Court, which pass the order and executed its own order.

23.In the light of the above discussion, the ruling cited by the learned Counsel for the Respondent/wife in the reported ruling of the Kerala High Court, Ernakulam, in the case of **Anoop Vijay Vs. Anoop Vijay** as per Section 18(3) of the Family Courts Act and as per Section 20



C.R.P.No.2393 of 2021

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of the Family Courts Act, the Family Court has power to execute its own orders irrespective of territorial jurisdiction. Therefore, the order passed by the learned I Additional Principal Judge Family Court, Chennai, in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 21.09.2021 is confirmed.

24.In the light of the above discussion, the point for consideration is answered in favour of the Respondent and against the Revision Petitioner. The order passed by the learned I Additional Principal Judge Family Court, Chennai, in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 21.09.2021 is not perverse.

25.In the result this **Civil Revision Petition stands dismissed as devoid of merits. The order passed by the learned I Additional Principal Judge Family Court, Chennai, in E.P.No.61 of 2021 in I.A.No.399 of 2017 in O.P.No.3813 of 2013 dated 21.09.2021 is hereby confirmed.** No costs. Consequently, connected Civil Miscellaneous Petition is closed.

20.12.2023

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C.R.P.No.2393 of 2021

Speaking/Non-speaking order
Neutral Citation : Yes/No

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SATHI KUMAR SUKUMARA KURUP, J.,

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To

The I Additional Family Court, Chennai.

**Order in
C.R.P.No.2393 of 2021**