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C.R.P.No.3029 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3029 of 2023

and

C.M.P.No. 17383 of 2023

M. Santhosh

.. Petitioner

Vs

K.G. Swetha

.. Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the conditional order passed in E.P.No. 52 of 2018 in I.A.No. 6051 of 2018 in H.M.O.P.No. 3797 of 2018 dated 21.07.2023 on the file of the V Additional Family Court, Chennai.

For Petitioner : Mr. V. Raghavachari, Senior Counsel
for Ms. V. Srimathi
For Respondent : Mr. G. Murugendran

ORDER

This Civil Revision Petition is filed challenging the impugned order passed in E.P. No. 52 of 2018 in I.A. No. 6051 of 2018 in H.M.O.P. No. 3797 of 2018, the judgment debtor has preferred this revision.



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2. The petitioner / husband has filed H.M.O.P. No. 3797 of 2018 and the same is pending before the V Additional Family Court, Chennai. Pending the above said petition, the respondent / wife filed an application in I.A.No. 6051 of 2018 before the V Additional Family Court seeking interim maintenance and the same awarded at Rs.30,000/- as monthly interim maintenance. To execute the said order, she filed E.P. No. 52 of 2023 in which she claimed arrears of amount more than Rs.9 lakhs and to execute the order, opportunity was given to the revision petitioner but not paid the amount. Hence, the executing Court ordered to pay Rs.2 lakhs, as the same was not complied with, the revision petitioner has filed the above revision.

3. The learned counsel for the revision petitioner submits that his take home salary is only Rs.70,000/- but the trial Judge ordered for Rs.30,000/- as interim maintenance. Further submitted that as per the direction of Execution Court, now he is inclined to pay Rs.2 lakhs by way of D.D.Nos.445099 & 445100 drawn on Indian Bank, the same was produced before the Court and it was handed over to the counsel for the respondent.



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Now, he made a part payment with regard to arrears of maintenance.

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4. Considering that this Court is inclined to set aside the order passed by the Executing Court in E.P. No. 52 of 2018 in I.A. No. 6051 of 2018 in H.M.O.P. No. 3797 of 2018 on the file of V Additional Family Court, Chennai by allowing the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

5. Furthermore, the revision petitioner is directed to cooperate for the execution proceeding and the executing Court is directed to give sufficient opportunity to pay the arrears and dispose the case within a period of eight weeks from the date of receipt of copy of this order. Taking into consideration of the fact that main H.M.O.P., is pending for more than five years, hence, the V Additional Family Judge, Chennai is directed to dispose the same, within a period of three months from the date of receipt of a copy of this order.

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Index :Yes/No

Neutral Citation :Yes/No

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T.V.THAMILSELVI, J.

AT

To
The V Additional Family Court, Chennai.

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