



C.R.P. No.4121 of 2023

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T.V.THAMILSELVI, J.

This matter is taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the revision petitioner.

2. The learned counsel for Revision Petitioner would submit that this Court by an order dated 22.11.2023 disposed of the above C.R.P.. However, the learned counsel would submit that in para 5 of the order, while imposing condition to deposit part of arrears of maintenance, it was directed to deposit in D.V.A. No.148 of 2022, but the amount may be directed to deposit in M.C.No.107 of 2009 and also submitted that the personal appearance of respondents 2 and 3 was already dispensed with. Hence, he prayed to modify the same. Accordingly, the matter is listed today.

3. Considering his submissions, in para 5 of the order shall be substituted as follows :-

“5. Admittedly, on 12.02.2018, the said petition was posted for filing objections, but the respondents were called absent and not



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filed any counter. So, the application was allowed. On considering the facts and circumstances and also the fact that they are having valid defence to prove that already articles were taken by her and the Revision Petitioner husband also filed a petition for divorce in H.M.O.P. No.3266 of 2007. In that proceedings, the respondent wife has not appeared and thereafter, the decree was granted. Challenging the same, the 1st respondent wife filed a Civil Revision Petition in C.R.P.No. 3716 of 2010 before this court and the same was dismissed. However, there is an order granting maintenance to her, but there is no proof for payment of maintenance regularly. So, there is an arrears of maintenance for a sum of Rs.25,000/-. Therefore, on considering the conduct of Revision Petitioner husband, he has not filed valid objections before the trial court and also committed default in payment of maintenance, this Court is inclined to set aside the order passed in C.M.P.No.6759 of 2017 in D.V.A.No.148 of 2022 and the said petition is ordered to be allowed on condition that the Revision Petitioner shall deposit a sum of Rs.25,000/- as part of arrears to the respondent wife in



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M.C.No. 107 of 2009 within a period of four weeks from the date of receipt of copy of this order. On such deposit, the trial court is directed to give one more opportunity to the Revision Petitioner and the 1st respondent is permitted to withdraw the amount. The Revision Petitioner is directed to file objections in C.M.P.No. 6759 of 2017 and on hearing objections, the trial court is directed to dispose the said C.M.P. on merits within a period of eight weeks thereafter. Already the personal appearance of the respondents 2 and 3 before the trial court was dispensed with. Accordingly, this Civil Revision Petition is disposed of. No costs. ”

4. Registry is directed to incorporate above correction in the Order of this Court in C.R.P.No. 4121 of 2023 dated 22.11.2023 and issue fresh order copy to the Revision Petitioner.

21.12.2023

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