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CRP.No.969 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP.No.969 of 2023

V.Sivakumar

... Petitioner

Vs.

S.Nagalakshmi

... Respondent

PRAYER:

Civil Revision petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 11.11.2022 made in CNR.No.TNVL-04-001835-2017 in HMOP.No.117 of 2017 on the file of the Court of Principal Subordinate Judge at Vellore, Vellore District and consequently HMOP.No.117 of 2017 may be restored on the file of Court of Principal Subordinate Judge, Vellore for continuation of trial.

For Petitioner : Mr.T.P.Prabakaran

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 11.11.2022 made in CNR.No.TNVL-04-001835-2017 in HMOP.No.117 of 2017 on the file of the Court of Principal Subordinate Judge



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at Vellore, Vellore District.

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2. The petitioner is the husband, who filed this revision stating that even after payment of arrears of maintenance in HMOP.No.117 of 2017 filed by him, it was not restored to the file of Principal Sub Court, Vellore.

3. Since the petitioner is seeking direction against the order of the court, notice to the respondent is ordered to be dispensed with.

4. The learned counsel for the revision petitioner pointed out that on three occasions, totally Rs.1,20,000/- was paid, which reveals that the arrears of interim maintenance was paid by the husband as per the order passed in CrI.MP.No.267 of 2021 in FCMC.No.59 of 2019. For non payment of arrears of interim maintenance, the respondent herein / wife filed application in IA.No.1 of 2022 to struck off and dismiss the HMOP, which was allowed and HMOP was dismissed. However, the husband complied with the court order by paying interim maintenance, as such he is entitled to proceed with the HMOP filed by him.

5. Accordingly, the order passed by the trial Judge in IA.No.1 of 2022 is hereby set aside and HMOP.No.117 of 2017 is ordered to be restored



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on file and the trial Judge is directed to dispose of the case in HMOP.No.117 of 2017 by giving notice to the other side as expeditiously as possible without giving unnecessary adjournment.

6. Accordingly, this civil revision petition is allowed. There shall be no order as to costs.

03.04.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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T.V.THAMILSELVI, J.

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To



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The Principal Subordinate Judge, Vellore

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