



C.R.P(MD)No.704 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.704 of 2022

Marimuthu

... Petitioner/ Petitioner/
Petitioner

Vs.

Uma Nachiyar

... Respondent/Respondent/
Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed stipulating pre condition to pay the arrear amount of Rs. 2,80,000/- in single lumpsum in I.A. No.5 of 2021 in H.M.O.P.No.59 of 2019 dated 29.11.2021 pending on the file of the Family Court, Sivagangai, Sivagangai District and to allow this Civil Revision Petition.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.A.Mohan



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ORDER

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The present revision petition has been filed challenging an order, refusing to restore the H.M.O.P.No.59 of 2019 on the file of the Family Court, Sivagangai.

2. The revision petitioner herein has filed H.M.O.P.No.59 of 2019 seeking divorce. An order of interim maintenance was passed by the Court, directing the husband to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) per month to his wife. This order was not complied with by the petitioner. Thereafter, the petitioner has not appeared before the Court and H.M.O.P.No.59 of 2019 was dismissed for default. The petitioner had filed I.A.No.5 of 2021 to restore H.M.O.P.No.59 of 2019. The said petition was allowed by the Court on condition that the petitioner should deposit the arrears of maintenance amount to a tune of about Rs.2,80,000/- (Rupees Two Lakh Eighty Thousand only). The trial Court has passed an order to the effect on a payment of such arrears amount, H.M.O.P.No.59 of 2019 will stand restored. This order is under challenge in the present revision petition.



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3. Admittedly an order of interim maintenance has been passed by the Family court in the year 2020, directing the husband to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as interim maintenance to his wife. This order has neither been challenged nor been complied with. Thereafter, the petitioner has not appeared before the Court and H.M.O.P.No.59 of 2019 has been dismissed for default. The trial Court has only directed the husband to deposit the arrears of Rs.2,80,000/- (Rupees Two Lakh Eighty Thousand only) as a condition precedent for restoring H.M.O.P.No.59 of 2019. This Court does not find any illegality or infirmity in the order passed by the trial Court. However, the learned counsel appearing for the petitioner submits that he requires some time to pay or deposit the said arrears amount.

4. In view of the above said facts, if a sum of Rs.2,80,000/- (Rupees Two Lakh Eighty Thousand only) is deposited before the Family Court, Sivagangai on or before 15.03.2023, I.A.No.5 of 2021 will stand allowed and H.M.O.P.No.59 of 2019 shall be restored. Otherwise, this Civil Revision Petition stands dismissed automatically without any further reference to this Court.



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WEB COPY 5. This Civil Revision Petition stands disposed of with the above terms. No costs.

14.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Family Court,
Sivagangai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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