



CRP(MD)No.2293 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(MD)No.2293 of 2019

Sakthivel

... Petitioner

versus

1. Malarkodi

2. Minor Karthika

Rep. By her mother Malarkodi
(Minor 2nd respondent is declared
as major and guardianship of her
mother is discharged vide order
dated 22.07.2022 made in
C.M.P.(MD)No.3169 of 2020 in
CRP(MD)No.2293 of 2019)

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 06.11.2019 made in I.A.No.583 of 2018 in O.S.No.18 of 2015 on the file of the learned Principal District Judge, Karur.



For Petitioner : Mr.V.Balaji
For Respondent : Mr.M.P.Senthil

ORDER

This Civil Revision Petition is filed as against the order dated 06.11.2019 made in I.A.No.583 of 2018 in O.S.No.18 of 2015 on the file of the learned Principal District Judge, Karur.

2. The first respondent/wife has filed a suit in O.S.No.18 of 2015 before the Principal District Munsif Court, Karur, for a direction, directing her husband (petitioner herein) to pay a sum of Rs.50,000/- towards past maintenance and to pay a sum of Rs.10,000/- per month towards future maintenance from the date of petition. She also sought a further direction directing her husband (petitioner herein) to pay a sum of Rs.5,000/- per month towards future maintenance for the second respondent/daughter and also to pay a sum of Rs.25,000/- towards past maintenance for the second respondent/daughter. The said suit was decreed *ex parte* on 18.04.2016. The petitioner/first defendant



CRP(MD)No.2293 of 2019

in the suit has filed an application to set aside the *ex parte decree* dated 18.04.2016. Since the petitioner has not filed the said application properly, it was returned and there was a delay of 755 days in representing the said application. Therefore, he filed an application in I.A.No.583 of 2018 to condone the delay of 755 days in representing the petition to set aside the *ex parte decree*. The Trial Court, by order dated 06.11.2019, allowed the application on condition that the petitioner has to pay a sum of Rs.2,00,000/- towards interim maintenance to the first respondent. Aggrieved over that, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner submits that in the suit, the petitioner has already filed his written submission in time, however, his previous counsel has not informed him about the progress of the suit and therefore, he failed to follow up the suit proceedings. He further submits that the petitioner is having a good case in the suit and therefore, he must be provided an opportunity to establish his case.



CRP(MD)No.2293 of 2019

The petitioner, in order to show his *bona fide*, is prepared to pay a sum of Rs.1,00,000/- instead of Rs.2,00,000/-.

4. The learned counsel appearing for the respondents filed a detailed notes of arguments, which shows the manner in which the petitioner has dragged on the proceedings.

5. This Court considered the submissions made and perused the materials available on record.

6. The suit filed by the first respondent/wife was decreed *ex parte* on 18.04.2016. Now, the petitioner/husband has come forward with a demand draft, bearing No.632935, dated 01.02.2023, for a sum of Rs.1,00,000/- (Rupees one lakh only). The learned counsel appearing for the petitioner has also handed over the said Demand Draft to the learned counsel for the respondent.



CRP(MD)No.2293 of 2019

7. In view of the above, this Civil Revision Petition is allowed.

The conditional order passed by the trial Court directing the petitioner/husband to pay a sum of Rs.2,00,000/- towards interim maintenance is modified as Rs.1,00,000/-. Since the petitioner has now paid the sum of Rs.1,00,000/- to the respondent, vide a Demand Draft bearing No.632935, dated 01.02.2023, the trial Court shall restore the suit and permit the petitioner to adduce his evidence and conclude the trial proceedings, within a period of four months from the date of receipt of a copy of this order. No costs.

03.02.2023

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

1. The Principal District Judge,
Karur.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court.
Madurai.



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CRP(MD)No.2293 of 2019

B.PUGALENDHI, J.

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CRP(MD)No.2293 of 2019

03.02.2023