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C.R.P.No.210 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.No.210 of 2022

Thangarasu,
S/o Kaliaperumal

... Petitioner

vs.

1. Savithri,
W/o Thangarasu

2. Kuttimani,
S/o Thangarasu

3. Sivaraman,
S/o Thangarasu

4. Jayanthi,
D/o Thangarasu

... Respondents

Prayer in CRP : The Civil Revision Petition filed under Article 227 of the Constitution of India against the return of E.A.Sr.No.708 of 2021 in E.P.No.31 of 2009 in O.S.No.652 of 1993 on the file of District Munsif Court, Panriti, Cuddalore District, dated 22.02.2021.

For Petitioner : Mr.C.Prabakaran

For Respondents : No appearance



ORDER

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This Civil Revision Petition has been filed against the return of E.A.Sr.No.708 of 2021 in E.P.No.31 of 2009 in O.S.No.652 of 1993 on the file of District Munsif Court, Panriti, Cuddalore District, dated 22.02.2021.

2. Originally, the respondents filed a suit claiming maintenance in O.S.No.652 of 1993 before the District Munsif Court, Panruti, Cuddalore District. The said suit was decreed on 29.01.2001. Based on the said decree, the respondents filed E.P.No.31 of 2009 seeking recovery of arrears of maintenance by way of attachment of salary of the petitioner. The said E.P. was allowed by attaching the salary of the petitioner on 27.11.2009. Aggrieved by the same, the petitioner preferred C.R.P.No.861 of 2010 before this Court. At the time of admission of C.R.P., this Court granted interim stay on condition to deposit 50% of the arrears amount on 11.03.2010. The petitioner also deposited the conditional amount before the District Munsif Court, Panruti on 20.04.2010.

3. In the meanwhile, the petitioner and the respondents have settled the issue among themselves and agreed to withdraw the cases pending against each other and they have also sworn an notarized



affidavit dated 09.02.2015. Accordingly, the petitioner had withdrawn the C.R.P.No.861 of 2010 on 07.01.2019. However, the conditional amount deposited by the petitioner is lying in the court deposit. Hence, the petitioner filed Execution Application seeking permission to withdraw the said amount as the issue was settled between the parties and the C.R.P was also withdrawn. However, the said application was returned by the Execution Court stating that there is no order from this Court permitting the petitioner to withdraw the amount. Hence, the present civil revision petition.

4. Admittedly, pending civil revision petition, interim stay was granted on condition to deposit 50% of the arrears amount and the petitioner had also deposited the said amount into court deposit. During the pendency of the civil revision petition, the parties settled the dispute among themselves and withdrawn the civil revision petition. As the matter has been settled between the parties and the main civil revision petition itself had been withdrawn, the petitioner is entitled for withdrawal of the amount deposited by him in Court, pursuant to the interim order passed in the civil revision petition. Therefore, there shall be a direction to the Execution Court/ District Munsif Court, Panruti, Cuddalore District, to entertain the Execution Application and permit the



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petitioner to withdraw the amount deposited by him, pursuant to the order passed by this Court on 11.03.2010, which is lying in Court deposit on the file of District Munsif Court, Panruti, Cuddalore District. Accordingly, the Civil Revision Petition is disposed of. No costs.

22.02.2024

Index :yes/No
Speaking /Non speaking order
vsi

To

The District Munsif Court,
Panruti,
Cuddalore District.



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J.NISHA BANU, J.

vsi

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