



C.R.P.No.2836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

C.R.P.No. 2836 of 2024

and

C.M.P.No.15065 of 2024

A.Arthanareeswaran @ Eswaran
S/o. Arumuthu Gounder, Kaaliyankadu,
Kuppampalayam Village, Amandakkadavu Post,
Udumalpet Taluk, Tiruppur District.

Petitioner(s)

Vs

1. Selvi
W/o. A.Arthanareeswaran @ Eswaran
Mamarathuthottam, Vanjipuram J. Krishnapuram Post,
Ketthanur (Via), Suler Taluk, Coimbatore District.

2. Kousalya
D/o. A.Arthanareeswaran @ Eswaran
Mamarathuthottam, Vanjipuram J. Krishnapuram Post, Ketthanur (Via), Suler
Taluk, Coimbatore District.

3. Bhuvaneswaran
S/o. A.Arthanareeswaran @ Eswaran
Mamarathuthottam, Vanjipuram J. Krishnapuram Post, Ketthanur (Via), Suler
Taluk, Coimbatore District.

Respondent(s)

Prayer: Petition filed under Section 115 of the Code of Civil Procedure, 1908,
praying to set aside the order dated 06.11.2023 made in E.P.No.6 of 2022 in



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O.S.No.100 of 2009 on the file of the learned Subordinate Judge, Udumalpet, Tiruppur District.

For Petitioner(s) : Mr.B.Kumarasamy

For Respondent(s): Mr.S.Prabhu for RR1 to 3

ORDER

This revision petition is at the instance of the judgement-debtor challenging the order of the learned Subordinate Judge, Udumalpet, dated 06.11.2023 made in E.P.No.6 of 2022 in O.S.No.100 of 2009 attaching the 1st item of the immovable properties belonging to the revision petitioner/judgement-debtor, which is more fully described in the schedule to the execution petition in E.P.No.6 of 2022.

2.1 The judgement-debtor is the revision petitioner. The respondents are the decree-holders. The suit in O.S.No.100 of 2009 was filed against the revision petitioner by the respondents who are the wife and the children of the revision petitioner claiming maintenance of Rs.5,000/- per month to each of them.

2.3 Pending the above mentioned suit, the 1st respondent filed another suit in O.S.No.158 of 2010 representing her minor children, the respondents 2 and 3 herein for partition.

2.4. Both the above mentioned suits were tried together and disposed of by



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the learned Subordinate Judge, Udumalpet, by common judgement dated 31.07.2024 whereby the learned Subordinate Judge ordered maintenance at Rs.3,000/- per month each to the minor children and dismissed the claim in respect of maintenance for the 1st respondent and decreed the suit for partition in respect of 2/3 share in the 1st item of the suit properties and dismissed the claim for partition in respect of the 2nd item of the suit properties on the ground that the same was the separate property of the revision petitioner and his brother.

2.5. Aggrieved by the said judgement and decree the revision petitioner preferred regular appeals in A.S.No.11 of 2015 and A.S.No.2 of 2016 which were dismissed by the learned I Additional District Judge, Tiruppur, by judgement and decree dated 28.02.2019. Thereupon, no further appeal was preferred by the revision petitioner and thus, the judgement and decree of the learned Subordinate Judge in O.S.No.100 of 2009 and O.S.No.158 of 2010 have become final. The revision petitioner had not paid a single pie towards maintenance. Therefore, the 1st respondent, on behalf of the minor respondents 2 and 3 initiated an execution proceedings in E.P.No.6 of 2022 for attachment and sale of the 1st item of the suit schedule mentioned property to realize the maintenance amount payable by the revision petitioner to the respondents 2 and 3. The civil revision petitioner filed



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his counter affidavit opposing the execution petition. That execution petition was contested by the revision petitioner/judgement-debtor. The executing court by order dated 06.11.2023 passed an order on merits attaching the 1st item of the suit properties.

3. This court has heard Mr.B.Kumarasamy, learned counsel for the revision petitioner and Mr.S.Prabhu, learned counsel for the respondents 1 to 3.

4. This court has considered the entire materials available on record. The execution proceedings in which attachment order has been passed was taken out by the mother on behalf of her minor children to whom maintenance was ordered to execute the decree for maintenance. The civil revision petitioner has lost in the civil regular appeal preferred against the order of maintenance. Not even a single pie has been paid by the revision petitioner to the minor children. This court does not find any merit in the revision petition and the same deserves only to be dismissed.

In the result, the civil revision petition is dismissed. No costs. Consequently, connected CMP is closed.

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To

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1.The II Additional Principal Family Judge, Family Court, Chennai.



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N.SATHISH KUMAR.J.,

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