



C.R.P. (MD) No. 318 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 318 of 2022

G.Ramachakravarthi

... Petitioner/
Petitioner

-VS-

Nagalakshmi @ Priya

... Respondent/
Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the CRP and set aside the order dated 10.11.2021 in I.A.No.3 of 2021 in H.M.O.P.No.339 of 2014 on the file of the Family Court, Tiruchirappalli.

For Petitioner : Mr.T.A.Punithan

For Respondent : Mr.C.Jeyaprakash

ORDER

The Civil Revision Petition arises out of an order dated 10.11.2021 made in I.A.No.3 of 2021 in H.M.O.P.No.339 of 2014.



2. The said application was filed by the respondent/wife stating that the husband has not complied with the order of interim maintenance and as such, without paying the arrears, he should not be permitted to further conduct his original petition and prayed that the petition should be struck-off. The Trial Court by a conditional order directed the husband to pay the arrears of Rs.7,20,000/- on or before 30.11.2021 and since the petitioner did not pay, the consequential order was also passed striking-off the H.M.O.P.No.331 of 2014 in the year 2021 itself.

3. The learned Counsel appearing on behalf of the petitioner would submit that the Trial Court ought not to have struck-off the pleadings and ought to have given some time. The petitioner/husband was only pleading installments and the Trial Court ought to have given installments to the petitioner.

4. Per contra, the learned Counsel appearing on behalf of the respondent would submit that only after protracting the earlier proceedings by leaving the HMOP itself for default and thereafter restoring the same and also filing an appeal, the appeal being dismissed, as a last resort only, the present application is filed and therefore, the Trial Court has rightly passed the order.



C.R.P. (MD) No. 318 of 2022

WEB COPY

5. I have considered the rival submissions made on either side and perused the material records of the case. When the interim maintenance is ordered, the appeal preferred having been dismissed and the interim maintenance orders having become final, the petitioner husband ought to have complied with the order. When the Trial Court has given time, the petitioner ought to have complied with and paid the arrears. If at all there is any difficulty, the petitioner ought to have filed only an extension of time petition, however, he has chosen to file the present revision petition. The petition has been struck-off in the year 2021 and even though the Civil Revision Petition is pending for the past two years, no steps have been taken by the petitioner even to partly pay the arrears.

6. In view thereof, finding no merits in the civil Revision Petition, the Civil Revision Petition shall stand dismissed. No costs.

12.07.2024

NCC : No
PKN



WEB COPY



C.R.P. (MD) No. 318 of 2022

D.BHARATHA CHAKRAVARTHY, J.

PKN

To

1. The Family Court, Tiruchirappalli.

2.The Section Officer,

Vernacular Records,

Madurai Bench of Madras High Court, Madurai.

C.R.P. (MD) No. 318 of 2022

12.07.2024