



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No. 705 of 2023

and

C.M.P(MD)No. 3263 of 2023

Madasamy

...Petitioner

Vs.

Sumathy

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order passed in CrI.M.P.No.11499 of 2022 dated 20.01.2023 in unnumbered C.A.No.---of 2022 on the file of the Principal Sessions Court, Tirunelveli.

For Petitioner : M/s.B.Prasanna Vinoth, for
M/s.V.Kishore Kumar

For Respondent : No Appearance

JUDGEMENT

This Civil Revision Petition is filed by the Appellant/Husband to set aside the impugned order which was passed in Cr.M.P.No.11499 of 2022 dated 20.01.2023 in unnumbered C.A.No.---of 2022 on the file of the Principal



Sessions Court, Tirunelveli. The Civil Revision Petitioner is aggrieved by the Order, since it is directed the Revision Petitioner to deposit the arrears of maintenance to the tune of Rs.2,67,000/-.

2. The contention of the Civil Revision Petitioner is that even according to the respondent/wife they are not living together from 2013 onwards. Further contention of the Civil Revision Petitioner is that the wife is living with some other person and they are having child. But this was not brought to the knowledge of the Court below. Hence, the Husband is seeking to remand back this matter to the Principal Sessions Court, Tirunelveli. This Court is convinced with the arguments of the revision petitioner and inclined to allow the Civil Revision Petition.

3. Though this Court issued notice to the respondent/wife, she has neither appeared in person nor through Counsel.

4. Accordingly, this Civil Revision Petition is Allowed and the impugned order passed in Cr.M.P.No.11499 of 2022 dated 20.01.2023 in unnumbered C.A.No.---of 2022 on the file of the Principal Sessions Court, Tirunelveli,/ is hereby set aside. The case is remitted back to the Principal



Sessions Court, Tirunelveli, for re-considering the issue. The Civil Revision Petitioner is at liberty to amend the pleadings and mark the documents, evidences before the Court below. The Learned Principal Sessions Judge, Tirunelveli, is directed to complete the proceedings, within a period of Four months from the date of receipt of a copy of this Order. The EP proceedings shall be kept in abeyance until then. No Costs. Consequently, connected miscellaneous petition is closed.

06.09.2024

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

Note: Issue a copy of order on 11.09.2024.

To

1. The Principal Sessions Court,
Tirunelveli.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.SRIMATHY, J.

KSA

Order made in
C.R.P(MD)No.705 of 2023

06.09.2024