



CRP(MD).No.1101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.1101 of 2022 and
CMP(MD).No.4401 of 2022

A.Venkatesh : Petitioner / respondent

Vs.

1.G.Shanthini
2.Minor V.Sai Janani
(minor rep. through mother
G.Shanthini) : Respondents / Petitioners

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed in E.P.No.1 of 2021 in I.A.No.16 of 2018 in HMOP.No.334 of 2016, dated 25.04.2022 on the file of the Family Court, Madurai.

For Petitioner : Mr.P.Sepna @ Sree
For respondents : Mr.N.Marimuthu
for Mr.M.Sarangan



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ORDER

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This Civil Revision Petition has been filed against the order, dated 25.04.2022 made in E.P.No.1 of 2021 in I.A.No.16 of 2018 in HMOP.No.334 of 2016, on the file of the Family Court, Madurai.

2. The first respondent is the wife of the revision petitioner herein. The first respondent has filed an application in I.A.No.16 of 2018 in HMOP.No.334 of 2016, on the file of the Family Court, Madurai, in which, the learned Judge by his order, dated, 22.11.2019 directed the petitioner to pay a sum of Rs.5,000/- as maintenance to the first respondent herein. Since the interim maintenance was not paid by the revision petitioner, the first respondent moved an application in E.P.No.1 of 2021 in I.A.No.16 of 2018 to execute the order of the Family Court, Madurai. After hearing both sides, the learned Judge has allowed the execution petition on 25.04.2022. Against which the present revision is preferred.

3. The learned counsel appearing for the revision petitioner submits that without any proof for the asset and liability statement of the petitioner, the trial Court directed the petitioner to pay a sum of Rs.5,000/- as interim maintenance to the first respondent. Hence, prayed for setting



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aside the the order passed by the Family Court.

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4. The learned counsel appearing for the respondents submitted that the petitioner herein is having sufficient means to pay the maintenance amount, but, he has not paid the same and hence, prays for dismissal of this petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. On perusal of the records it is seen that the petitioner failed to pay the interim maintenance as ordered by the Family Court, Madurai. Hence, the petition was filed to execute the decree. The petitioner has not proceed any revision against the order passed in the interim maintenance petition. Hence, it is made clear that in order to avoid payment of maintenance amount the present revision is preferred. Considering the facts and circumstances, this Court is of view that this Civil revision petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, this Civil Revision Petition is dismissed. The



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petitioner is permitted to withdraw the arrears of maintenance amount, if any already deposited before the trial Court. No costs. Consequently, the connected Miscellaneous Petition is closed.

02.12.2024

Index : Yes / No

Internet : Yes/ No

trp

Note : Issue order copy on 05.12.2024

To

The Family Court, Madurai.



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K. GOVINDARAJAN THILAKAVADI, J.,

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