



C.R.P(MD)No.259 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY**

**C.R.P(MD)No.259 of 2022**

C.Mathivanan

... Appellant

Vs.

B.Vasuki

...Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of the Lower Court in I.A.No.3 of 2021 in HMOP.No.44 of 2018 dated 15.09.2021 on the file of the Family Court, Tiruchirappalli.

|                |                      |
|----------------|----------------------|
| For Petitioner | : Ms.A.Zubaitha Banu |
| For Respondent | : Mr.R.Narayanan     |

### **ORDER**

The civil revision petition is filed against the order dated 15.09.2021 passed by the learned Judge, Family Court, Tiruchirappalli, in I.A.No.3 of 2021 in H.M.O.P.No.44 of 2018.



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**2.** The said Interlocutory Application is filed with a prayer to strike off the petition on the ground that the petitioner/ husband did not deposit the arrears of interim maintenance as ordered by the trial Court. When the civil revision petition came up for consideration, it is to be seen that originally the said interim maintenance was refused by the trial Court, but, however, this Court an appeal in CMA(MD).Nos.886 and 887 of 2019 allowed the prayer for interim maintenance. In that background, when the Interlocutory Application was filed since no amount was paid, the trial Court allowed the application.

**3.** Pending the civil revision petition, this Court had earlier directed the petitioner to deposit 50% of the arrears. The learned counsel appearing on behalf of the petitioner submits that the said interim order was complied with and 50% have already been deposited. The learned counsel for the petitioner would also submit that if further three bi-monthly installments is granted, the petitioner/ husband would also deposit the balance 50% of the maintenance.

**4.** The learned counsel for the respondent would submit that already long rope has been granted to the petitioner/ husband, but however, if he is willing to deposit the balance 50% of the arrears, let all further proceedings be continued thereafter.



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5. In view thereof, the Civil Revision Petition is allowed on the following

terms:-

(i)The order dated 15.09.2021 passed by the learned Judge, Family Court, Tiruchirappalli, in I.A.No.3 of 2021 in H.M.O.P.No.44 of 2018 is modified on the following terms;

(ii)The petitioner shall deposit the balance 50% of the arrears of interim maintenance in three bi-monthly installments starting from the month of August-2024 i.e., the first installment shall be paid on or before 31.08.2024 and the second installment shall be paid on or before 30.10.2024 and the third installment shall be paid on or before 31.12.2024. The trial Court thereafter from the month of January-2025 continue the proceedings in HMOP.No.44 of 2018. If the petitioner/ husband defaults in payment of all or any of installments, then the order dated 15.09.2021 shall stand restored. It goes without saying that the petitioner/ husband shall also continue to pay the future interim maintenance. It will be open for the petitioner/ husband to deposit the arrears on an earlier date also.

No costs.

**15.07.2024**

NCC:Yes/No  
Index:Yes/No  
*Rmk*



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To

1.The Judge, Family Court, Tiruchirappalli.



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**D.BHARATHA CHAKRAVARTHY, J.**

*Rmk*

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