



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2318 of 2025

& CMP.No.13407 of 2025

Muthukumaran

... Petitioner

Vs.

Mohanapriya

... Respondent

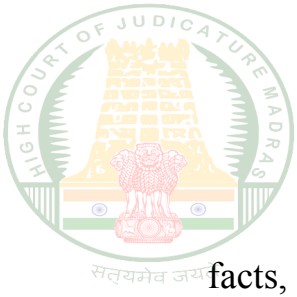
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 17.12.2024 passed in I.A.No.658 of 2024 in I.A.No.521 of 2022 in M.O.P.No.448 of 2020 on the file of the Family Court, Puducherry.

For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mrs.Gajalakshmi Rajendran

ORDER

The present revision is against the application under Order IX Rule 7 of CPC filed by the husband, seeking to set aside the ex-parte order in I.A.No.521 of 2022 dated 31.03.2023 by the Family Court, Puducherry.



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2.The case of the husband is that the respondent, suppressing material facts, has approached the Court and obtained ex-parte order for interim maintenance. An application was filed to set aside the said order. The application was resisted on the ground that there has been a delay of 514 days and the Order IX Rule 7 of CPC application was filed even without condone delay application. The Family Court, finding that the interim maintenance of Rs.30,000/- was ordered on 31.03.2023 and execution petition was also filed subsequently, and the petitioner/husband has not given sufficient reasons to condone the delay of more than one year finding that no satisfactory reasons have been assigned by the petitioner/husband, proceeded to dismiss the application.

3.The learned counsel for the petitioner would state that even pending the execution proceedings, without prejudice, the petitioner has paid more Rs.2 lakhs and he must be an given an opportunity to contest the said interlocutory application on merits.

4.Per contra, the learned counsel for the respondent/wife would state that despite entering appearance in the execution proceedings, the petitioner



never chose to seek to set aside the ex-parte order in I.A.No.521 of 2022 and it is only an attempt to drag the proceedings without paying any money.

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According to the learned counsel for the respondent, the arrears as on date is more than Rs.13 lakhs. She would therefore pray for dismissal of the revision.

5.I have carefully considered the submissions advanced by the learned counsel on either side.

6.Admittedly, the order which has been passed and sought to be challenged was an order of interim maintenance awarding Rs.30,000/- to the respondent/wife. Subsequent to the disposal of the said interlocutory application, the petitioner has paid Rs.2 lakhs under protest. I am of the opinion that the petitioner should be given an opportunity to contest I.A.No.521 of 2022 for seeking interim maintenance. However, considering the lethargic attitude of the petitioner, the respondent will have to be put on terms, for being permitted to contest I.A.No.521 of 2022.



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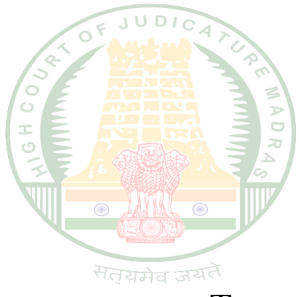
7. In view of the above, the Civil Revision Petition is allowed and the order dated 17.12.2024 in I.A.No.658 of 2024 is set aside, on condition that the petitioner pays a further sum of Rs.2 lakhs to the respondent/wife, towards interim maintenance. The said sum of Rs.2 lakhs shall be paid within a period of four weeks from the date of receipt of a copy of this order and subject to compliance of the same, I.A.No.521 of 2022 shall be heard thereafter on merits and disposed of, within a period of 60 days thereafter. All payments made in the execution petition and also pursuant to the order of this Court now, shall be on account and liable to be adjusted from the maintenance payable on I.A.No.521 of 2022 being disposed off. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

30.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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To
The Family Court, Puducherry.



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P.B. BALAJI,J.

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