



Civil Revision Petition No.4475 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 2/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Civil Revision Petition (NPD) No.4475 of 2024

a n d

C.M.P.No.24992 of 2024

T. Satheesh Kumar ... Petitioner

Vs

Koteeswari @ Vijayalakshmi ... Respondent

PRAYER : Petition filed under Section 115 of the Civil Procedure Code to set aside the docket order date 6/10/2022 passed in E.P.No.19 of 2024 in I.A.No.4 of 2022 in O.P.No.4459 of 2019 on the file of I Additional Family Judge, Chennai.

For petitioner ... Mr.P.R.Krishnaraj

For respondent ... Mr.R.Narendren

ORDER

Challenge has been made to the order dated 6/9/2024 passed in E.P.No.19 of 2024 in I.A.No.4 of 2022 in H.M.O.P.No.4459 of 2019 by the learned I Additional Family Court, Chennai.



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2. The brief background leading to filing of the instant petition are as follows:-

H.M.O.P.No.4459 of 2019 has been filed by the revision petitioner for restitution of conjugal rights. During the pendency of the said application, respondent wife took out applications in I.A.Nos.2 to 4 of 2022 for interim maintenance, during the pendency of the proceedings as well as litigation expenses. Vide, common order dated 18/5/2023, learned I Additional Family Judge, Chennai, directed the revision petitioner to pay a sum of Rs.10,000/- p.m., to the respondent and a sum of Rs.5,000/- p.m., each to their two children towards monthly interim maintenance. Thereafter, O.P.No.4459 of 2019 has been withdrawn by the petitioner and filed a divorce application. The respondent wife has filed E.P.No.19 of 2024 to execute the order, seeking arrears of maintenance of Rs.4,40,000/- from March 2022 to December 2023. The trial Court by order dated 6/9/2024 directed the revision petitioner to pay arrears of maintenance of Rs.4,40,000/- from March 2022 to December 2023, on or before 5/10/2024, failing which arrest warrant will be ordered. Challenging the said order, revision has been filed.



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3. When the revision came up before this Court for admission on 8/11/2024, counsel for the petitioner sought eight weeks time to deposit 50% of arrears amount. Accordingly, this Court had directed the petitioner to deposit 50% of arrears amount to the credit of E.P.No.19 of 2024 in I.A.No.4 of 2022 in O.P.No.4459 of 2019 on or before 20/12/2024.

4. Today, when the matter came up before this Court, a memo has been filed, wherein it is stated that on 6/12/2024, a sum of Rs.2,20,000/- has been deposited at Indian Bank, Kothawal Bazaar, Chennai, in favour of High Court. It is further stated that this Court may credit the said sum to the credit of E.P.No.19 of 2024 in I.A.No.4 of 2022 in O.P.No.4459 of 2019. The said fact has not been disputed by the learned counsel for the respondent.

5. The learned counsel appearing for the revision petitioner would submit that the remaining amount of Rs.2,20,000/- will be deposited, within a period of six months, on instalment basis, whereas the learned counsel for the respondent submitted that one of the child is a special child and hence, monthly maintenance is required. Since the issue is only with regard to

N.SATHISH KUMAR,J



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interim maintenance, this Court is inclined to grant four months time, from today, to pay the remaining sum of Rs.2,20,000/- and the said amount shall be deposited to the credit of E.P., failing which, warrant of arrest will be executed. The respondent is permitted to withdraw the amount already deposited in E.P.No.19 of 2024.

6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

2/1/2025

mvs.

Index : Yes / No

Neutral Citation: Yes/No

To

I Additional Family Judge, Chennai.

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