



CRP.(MD).No.508 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CRP.PD.(MD).No.508 of 2025

in

I.A.No.1 of 2020

in

O.S.No.372 of 2008

Geethakumari

.. Petitioner/Petitioner/Defendant

Vs.

Siva Prakash

...Respondent/Respondent/Plaintiff

Prayer: This civil revision petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.12.2023 in IA.No.1 of 2020 in OS.No.372 of 2008 on the file of the Additional District Munsif, Padmanabhapuram.

For Petitioner : Mr.V.M.Bala Mohan Thampi



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ORDER

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The judgment debtor in O.S.No.372 of 2008 on the file of the Additional District Munsif, Padmanabhapuram has filed the present civil revision petition, challenging an order wherein the trial Court has rejected the request for raising the order of attachment.

2. The respondent herein who is the son of the revision petitioner has filed O.S.No.372 of 2008 before the Additional District Munsif, Padmanabhapuram seeking maintenance. The said suit was dismissed by the trial Court. Challenging the same, the son/respondent in the revision petition has filed A.S.No.9 of 2011 before Sub Court, Padmanabhapuram. The said appeal was allowed on 14.09.2011 directing the mother to pay a maintenance of Rs.200/- per annum from the date of plaint.

3. Pending suit, the property of the revision petitioner/mother were attached. Even though the suit was dismissed by the trial Court, the trial Court failed to communicate the dismissal of the suit to the concerned Sub Registrar's Office to raise the order of attachment. Now the



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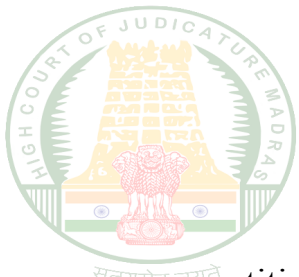
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mother/judgment debtor has filed IA.No.1/2020 before the trial Court to raise the order of attachment on the ground that no execution proceedings have been filed by her son. The said application has been dismissed by the trial Court on the ground that so far 12 years have not been elapsed from the date of the decree of the first Appellate Court. Challenging the said order, the present revision petition has been filed.

4. According to the learned counsel appearing for the revision petitioner, the revision petitioner is now ready to deposit the entire arrears of maintenance amount till the date of attaining the age of majority of the decree-holder and on such deposit, the trial Court may be directed to raise the order of attachment and the same may be communicated to the concerned Sub Registrar's Office.

5. Heard the petitioner and perused all the available materials on record.

6. Since the judgment-debtor has agreed to deposit the entire decree amount, no notice is ordered to the respondent in the revision



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7. In view of the above said deliberations, the order impugned in the revision petition is set aside and the matter is remitted back to the learned Additional District Munsif, Padmanabhapuram. The revision petitioner/judgment-debtor is directed to deposit entire arrears of maintenance amount before the trial Court. On such deposit the attachment order may be raised by the trial Court and the same may be communicated to the concerned Sub Registrar's Office.

8. With the above said observations and directions, this civil revision petition stands disposed of. No costs.

06.03.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
nst
To
The
Additional District Munsif,
Padmanabhapuram.



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R.VIJAYAKUMAR,J.

nst

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