



C.M.A.(MD) No.265 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

CORAM

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD) No.265 of 2019

and C.M.P(MD) No.3707 of 2019

Jawaharlal

... Appellant

Vs.

Jenitha

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 55 of the Indian Divorce Act, to call for the records pertaining to the order dated 06.12.2018 made in I.D.O.P.No.184 of 2017 on the file of the Additional District and Sessions Court (Fast Track Court) Kanyakumari District at Nagercoil and set aside the same.

For Appellant : Mr.R.Arun Kumar
for Mr.C.Mayil Vahana Rajendran
For Respondent : Mr.K.Sathish Kumar
for Mr.Dhanachandra Prakash

J U D G M E N T

The learned counsel for the respondent would state that, as per the order passed in I.D.O.P.No.184 of 2017, the husband is liable to pay



C.M.A.(MD) No.265 of 2019

Rs.20,000/- as monthly maintenance to the wife and this order for restitution of conjugal rights is sought to be challenged in this appeal.

2. The petitioner / respondent herein was granted an alternative relief of periodical payment under Order 21 Rule 33 of CPC to execute the decree for restitution of conjugal rights by way of Rs.20,000/- per month payable within 10th day of every month. This Court by an order dated 23.10.2024, the appellant was directed to pay a sum of Rs. 5,00,000/- towards arrears of maintenance within a period of six weeks.

3. The learned counsel for the respondent would submit that the said order has not been complied with. Despite after few adjournments, the appellant has not chosen to comply with the said condition. Hence, this Civil Miscellaneous Appeal stands dismissed for non-compliance the conditional order dated 23.10.2024. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

20.01.2025

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order
mac



C.M.A.(MD) No.265 of 2019

WEB COPY

To

1.The Additional District and Sessions Court,
(Fast Track Court), Kanyakumari District

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.(MD) No.265 of 2019

R.KALAIMATHI, J.

mac

C.M.A.(MD) No.265 of 2019
and C.M.P(MD) No.3707 of 2019

20.01.2025