



C.R.P.(MD)No.2665 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2665 of 2024

N.Jeyarani

... Petitioner/Petitioner

Vs.

P.K.Nagarajan @ Meenakshi Sundaram

... Respondent/Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the return order dated 27.09.2024 and take on file the objections filed by the petitioner in Cr.M.P.No.195 of 2022 in S.T.C.No.1 of 2012 on the file of the Family Court, Madurai.

For Petitioner : Mr.S.Selva Aditya

For Respondent : Ms.P.Jessi Jeeva Priya

ORDER

This civil revision petition has been filed to set aside the return order dated 27.09.2024 and take on file the objections filed by the petitioner in Cr.M.P.No.195 of 2022 in S.T.C.No.1 of 2012 on the file of the Family Court, Madurai.



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2.The grievance of he petitioner is that the Honourable Supreme Court has passed an order in ***Petitions for Special Leave to Appeal (Crl.) Nos.10295-10296 of 2024, on 09.08.2024***, wherein, it has been mentioned as follows:

“At this Stage, Mr.R.Nedumaran, learned advocate on record appears on caveat and accepts notice on behalf of the respondent, however, issue of notice is waived.

Subject to payment of arrears of maintenance within one month and its regular month to month payment as directed, the operation of the impugned order shall remain stayed.

The payment be made in the bank account of the respondent which shall be supplied to the learned counsel for the petitioner within a week.”

3.On behalf of the revision petitioner, he filed a calculation memo on 27.09.2024, calculating the arrears of maintenance from the respondent herein. The memo came to be returned by the trial Court with the following endorsement.

*“Returned.
Hon'ble Supreme Court stayed by All further proceedings. Hence, this petition is returned.
-sd-
Judge”*



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4.The learned counsel for the revision petitioner would submit that by misunderstanding the order of the Supreme Court, the above said order has been passed. For better appreciation of issue the order of the Honourable Supreme Court is extracted above.

5.Let the memo be represented by the revision petitioner before the trial Court. Let the trial Court, if have any doubt regarding the maintainability or calculation, take it on its judicial side and decide the same. Returning the same stating that the Honourable Supreme Court has stayed all proceedings is not correct since only conditional stay order has been passed.

6.With the above said directions, this civil revision petition stands disposed of. No costs. If the original memo is available in the records, it may be returned to the revision petitioner for further steps.

22.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM



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To

- 1.The Judge, Family Court, Madurai.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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