



CRP(MD). No.407 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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V.Muniasamy

... Petitioner

Vs

Karuppayee Devi

... Respondent

PRAYER :-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to call for the records of the impugned order and set aside the same in E.A.No.3 of 2025 in E.P.No.2 of 2024 in O.S.No.394 of 2004 on the file of the District Munsif cum Judicial Magistrate Court, Kariapatti, dated 04.11.2025 with direction to the Court to pass suitable order to the respondent/plaintiff for opening Bank account to credit the arrears of maintenance on seven instalment at the rate of Rs.20,000/- per month.

For Petitioner : Mr.V.Muniasamy, Party-in-person

ORDER

This Civil Revision Petition has been filed challenging the impugned order made in E.A.No.3 of 2025 in E.P.No.2 of 2024 in O.S.No.394 of 2004 on the file of the District Munsif cum Judicial



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Magistrate Court, Kariapatti, dated 04.11.2025 with a direction to the Court to pass suitable order to the respondent/plaintiff for opening Bank account to credit the arrears of maintenance on seven instalment at the rate of Rs.20,000/- per month.

2.Originally the suit was filed by the wife seeking maintenance. The suit was decreed in favour of the wife. To execute the above-said decree, an execution petition was filed by the wife before the trial Court. In which the present E.A. has been filed by the husband under Order 32, Rule 3 and Section 151 of CPC for the appointment of a guardian to the respondent/wife pursuant to the Mediation Report dated 27.08.2024 passed by the Tamil Nadu Mediation and Conciliation Centre, Madurai Bench of Madras High Court. According to the petitioner, who appeared before this Court as a party-in-person, he has filed an application to appoint a Guardian for the respondent/wife, who is of unsound mind, under Order 32 Rule 15 of the Civil Procedure Code.

3.Earlier the petitioner filed an HMOP petition seeking divorce. The same was dismissed. Against which C.M.A.No.10 of 2024 was filed.



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A counter was filed by the respondent herein. CMA was allowed and divorce was granted. In the meanwhile, the trial Court granted a decree in favour of the wife. The petitioner has not stated that the respondent wife is a person of unsound mind before the trial Court or in the appellate Court. The revision petitioner has not taken any steps to establish the same before the trial court at any stage. He has filed the present petition only at the stage of execution of decree.

4.A specific question has been raised with the petitioner with regard to their children. The petitioner submitted that he has two grown-up children by name Venkatesan and Karthick. The first son, Venkatesan, is practicing as an Advocate, while the second son, Karthick, is doing an M.Sc. in psychology. The only contention raised by the petitioner is that unless it is determined that the respondent is of unsound mind, the decree could not be executable. Therefore, it is an unexecutable order. Such a plea is taken by the petitioner at the stage of execution petition only. It is not only belated, but it is also motivated, as it is evident that such a plea was not taken before the trial court, where he was set ex parte and confirmed by the first and second appellate courts. Therefore, such a plea



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cannot be acted upon.

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5.In view of the above, this Court is not inclined to entertain this petition. This petition is liable to be dismissed as devoid of merit.

6.Accordingly, this civil revision petition stands dismissed. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

16.02.2026

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To

1.The District Munsif cum Judicial Magistrate, Kariapatti.



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N.SENTHILKUMAR, J.

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