

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE AT
TIRUVALLUR**

Present: Tmt. J. JULIET PUSHPA, B.Sc., M.L.,
Principal District Judge, Tiruvallur

Monday, the 21st day of July, 2025

E.P.170/2024 IN IDOP.498/2021
(CNR No. TNTR0101006412024)

S. Angel @ Ester Rani,

...Petitioner/Decree Holder

/Versus/

W. Ezhil Santh @ Edison

...Respondent/Judgment Debtor.

This petition coming on 17.07.2025 or final hearing before me in the presence of M/s M. Thiyagarajan, M. Premkumar, the learned counsel for the petitioner and having the respondent called absent, set exparte, upon hearing the petitioner side, perusing the records and having stood over for consideration till this day, this court delivered the following :

ORDER

This petition is filed under Order XXI Rule 10 and 11 of Civil Procedure Code for order of Non Bailable warrant against the respondent / Judgment Debtor and to be sent to the Avadi Commissioner of Police, Avadi City, Chennai-600057 for realization of the E.P. mentioned amount.

The petition filed on behalf of the petitioner in brief :

According to petitioner, as per the orders of the I.A. 1/2022 in IDOP.498/2021, by way of order dated 05.09.2023 dived the respondent to pay Rs.10,000/- per month to the petitioner towards the interim maintenance to the

petitioner from the date of the application till the date of disposal of Original petition and the interim maintenance to be paid on or before 10th day of every English Calendar month. Since respondent has not come forward to pay the same, this Execution petition to issue warrant to the respondent for execution of the amount for realization of the amount Rs.2,40,000/- towards arrears of maintenance from 01.06.2022 to 10.04.2024 as claimed in this Execution petition.

3. The respondent remained exparte.

4. **Point for determination :**

1) Whether petitioner is entitled to the relief as sought for ?

Heard petitioner. Records perused.

This Execution Petition filed for warrant to the respondent for recovery of Execution petition mentioned amount of Rs.2,40,000/- being the arrears of interim maintenance amount to be paid to the petitioner for the period from 01.06.2022 to 10.04.2024.

5. On perusal of records, it is seen that the Original petition in IDOP.498/2021 was filed by the petitioner seeking divorce on the grounds of cruelty and desertion. Pending the original petition, the petitioner herein who is the respondent in the original petition pending the original petition filed I.A. 1/2022 , under section 36 of Indian Divorce Act, thereby claiming interim

maintenance from the respondent. The said petition was allowed by this Court and Rs.10000/- is ordered to be paid to the petitioner from the date of petition till the date of realization. The petitioner calculate the interim maintenance from 01.06.2022 to 10.04.2022 for 22 months at Rs.2,20,000/- with litigation expenses at Rs.20,000/-, thus totally Rs.2,40,000/- which is amount claimed in this execution petition.

6. Execution Petition filed for issuance of warrant to the Judgment Debtor alleging that the Judgment Debtor wantonly evading to pay the arrears of maintenance amount as per the orders of this Court in I.A.1/2022 dated 05.09.2023 inspite of sufficient means. According to Decree Holder, Judgment Debtor is working in TNECL Company and earning Rs.35,000/- per month and also doing fly-ash business.

Decree Holder in order to substantiate his case has examined herself as PW1. The evidence of Decree Holder is not contradicted so as to disbelieve his version as the respondent has chosen to remain exparte.

7. The Judgment debtor in order to controvert the claim of the petitioner has not filed any document, but has chosen to remain exparte. As judgment debtor has admitted that he has got lands and house, it is made out that he has got sufficient means to pay the arrears of maintenance amount as per the orders of this Court dt. 05.09.2023, but wantonly evading to pay the decree amount. Only if the warrant for arrest is ordered the decree holder will be able

to get the fruits of the decreetal order and the orders of this Court for maintenance as judgment debtor is wilfully neglecting to pay the maintenance amount.

In the result, this petition is allowed. Arrest is ordered. Batta to be paid in 3 days. Arrest by 04.08.2025 .

Dictated to the Stenographer transcribed and typed by him, corrected and pronounced by me in open court, this the 21st day of July, 2025

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR.**

Petitioner side witness

P.W.1- Tmt. Angel @ Esther Rani

Petitioner side documents : Nil

Respondent side

Witnesses and Exhibits : Nil

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR.**