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CMP(MD)No.7048 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17/08/2026

CORAM:

THE HONOURABLE MS.JUSTICE R.POORNIMA

CMP(MD)No.7048 of 2026
in
CRP(MD)SR.No.32227 of 2026

R.Rajeshwaran : Petitioner/Respondent/Petitioner

Vs.

Agalya : Respondent/Petitioner/Respondent

PRAYER: This Civil Miscellaneous Petition has been filed to condone the delay of 177 days in filing the above civil revision petition, pending disposal of the above civil revision.

For Petitioner : Mr.T.Francis Edmind

For Respondent : Mr.A.Senthil Kumar

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 177 days in filing the above Civil Revision Petition.

2.The marriage between the petitioner/husband and the respondent/wife was solemnized on 28/06/2017. The wife filed a petition



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under Section 25 of the Hindu Marriage Act seeking maintenance of Rs.50,000/- per month, a sum of Rs.5,00,000/- towards her educational expenses and a sum of Rs.20,000/- per month towards interim maintenance. The trial Court allowed the petition and directed the husband to pay a sum of Rs.30,000/- per month towards maintenance, a sum of Rs.1,50,000/- towards educational and medical expenses and a sum of Rs.20,000/- per month towards interim maintenance from the date of the order.

3.The contention of the petitioner/husband is that the order having been passed ex-parte, the same has to be set aside. The petitioner is a Ph.D. holder and is presently working in Bangalore, drawing a salary. Though he is working as an Engineer, according to him, his salary is not sufficient to maintain himself. He filed HMOP No.202 of 2022 on the file of the Family Court, Thanjavur, seeking dissolution of marriage on the ground of cruelty. As a counter-blast, the wife filed HMOP No.284 of 2022 on the file of the Family Court, Thanjavur, seeking restitution of conjugal rights. The said HMOP No.284 of 2022 filed by the wife was allowed on 26/02/2024, whereas the petition filed by the husband seeking divorce was dismissed. Aggrieved by the said orders, the



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husband preferred CMA(MD)Nos.615 and 616 of 2024 before this Court and the same are pending. Pending the said Civil Miscellaneous Appeals, the wife filed I.A.No.9 of 2024 seeking a direction to the petitioner/husband to pay a sum of Rs.50,000/- per month towards maintenance and a sum of Rs.5,00,000/- towards her medical and educational expenses. The respondent/wife also sought payment of arrears of interim maintenance at the rate of Rs.20,000/- per month. On 15/07/2025, an ex-parte order was passed. On coming to know of the said order, the petitioner filed a petition to set aside the ex-parte order dated 15/07/2025. The said petition was returned on 27/10/2025 stating that the order had already been pronounced on 15/07/2025. Thereafter, the husband filed CRP(MD)No.3945 of 2025 before this Court. By order dated 07/01/2026, the said Civil Revision Petition was dismissed, however, with liberty to the petitioner to challenge the order of maintenance passed in I.A.No.9 of 2024. Now the petitioner states that he received the copy of the said order only on 28/01/2026. Hence, there is a delay of 177 days in filing the present Civil Miscellaneous Petition and prays for allowing this civil miscellaneous petition.



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4.The learned counsel appearing for the respondent/wife opposed the petition and submitted that the petitioner had already received the copy of the proceedings and the same had also been served through the counsel on record, who had appeared in the Civil Miscellaneous Appeal filed against the order of divorce. It is further submitted that having full knowledge of the proceedings, the petitioner deliberately evaded service and failed to appear before the Court, resulting in the passing of the ex- parte order. Therefore, the learned counsel prayed for dismissal of the Civil Miscellaneous Petition.

5.Heard the learned counsel appearing for both sides and perused the materials available on record.

6.Since the order impugned in the proposed Civil Revision Petition was passed ex-parte, in order to provide a fair opportunity to the petitioner/husband to contest the matter, this Court is inclined to allow the present Civil Miscellaneous Petition, subject to the following condition:-

(i)The petitioner/husband shall deposit a sum of Rs.90,000/-, being the interim maintenance of Rs.30,000/- for three months, within a period of one week from the date of receipt of a copy of this order;



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(ii)On such deposit being made, the respondent/wife is at liberty to withdraw a sum of Rs.45,000/- immediately; and

(iii)If the petitioner/husband fails to comply with the above condition within the stipulated time, this Civil Miscellaneous Petition shall stand dismissed automatically, without any further reference to this Court.

7.Accordingly, this Civil Miscellaneous Petition is allowed on the above terms.

17.08.2026

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R.POORNIMA, J.

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To,

The Family Court,
Thanjavur.

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