

C.R.P.(MD)No.1877 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1877 of 2026

B.Siva Sankaran

.. Petitioner

Vs.

R.Aparna

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct to take on file and number the I.A. in return order dated 09.07.2026 in Unnumbered I.A.No. /2026 in HMOP.No.319/2023 (on the file of family judge Thoothukudi).

For Petitioner : Mr.V.N.Arjun for
Mr.N.Vallinayagam

ORDER

The Civil Revision Petition is filed seeking a direction to the Family Court, Thoothukudi, to number the interlocutory application filed by the petitioner with Filing No.1276 of 2026, seeking modification of the earlier order directing the petitioner to pay maintenance to the respondent.



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2.The petitioner has filed H.M.O.P.No.319 of 2023 before the Family Court seeking dissolution of marriage, and the same is pending. The respondent/wife filed I.A.No.6 of 2024 seeking interim maintenance for herself and the minor child. The said application was allowed and the petitioner was directed to pay maintenance to both the respondent and the child.

3.Thereafter, the petitioner filed the instant interlocutory application seeking modification of the earlier order of maintenance, mainly on the ground that, due to subsequent change in circumstances, the respondent has secured independent employment and is earning an independent income. The said application was returned by the Court below on 17.06.2026 raising an issue regarding its maintainability. The petitioner represented the papers on 03.07.2026 by offering his explanation. However, the papers were again returned, principally on the ground that the main H.M.O.P. is at the stage of arguments.

4.It is well settled that an order granting interim maintenance can be modified on proof of subsequent change in circumstances. When the Court below raised the issue regarding maintainability, the



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petitioner represented the papers by furnishing his explanation. If the Court below was not satisfied with the explanation so offered, it ought to have listed the matter in open Court and afforded the petitioner an opportunity of being heard. Repeatedly returning the papers without following such a procedure is not desirable.

5. Accordingly, the return made on 09.07.2026 is set aside. The petitioner is directed to represent the papers, if necessary, along with his explanation, within two weeks from the date of uploading of this order. On such representation, if the Court below is still not satisfied with the explanation offered by the petitioner, it shall post the matter in open Court, hear the petitioner, and thereafter pass appropriate orders on merits and in accordance with law.

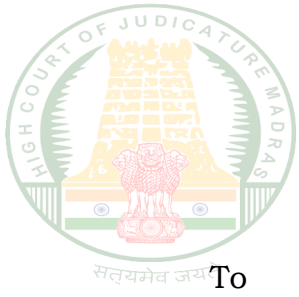
6. With the above directions, the Civil Revision Petition stands disposed of.

7. The Registry is directed to return the original returned papers to the learned counsel for the petitioner forthwith to enable the petitioner to represent the same before the Court below within two weeks from the date of uploading of this order. No costs.

15.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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To

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- 1.The Family Court, Thoothukudi.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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