



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.06.2016
CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.R.P. (MD) No. 756 of 2016
and
C.M.P. Nos. 3745 & 6288 of 2016

M. Maria Jegan

.. Petitioner/Respondent/Petitioner

Vs.

J. Manju Jose

.. Respondent/Petitioner/Respondent

PRAYER: Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A.No.226 of 2015 in I.D.O.P.No.299 of 2013 on the file of the learned District Judge, Kanyakumari Division at Nagercoil, dated 11.01.2016 and to set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.F.Deepak

For Respondent : Mr.K.Vamanan

ORDER

This Revision is directed against the order passed by the learned District Judge, Kanyakumari Division at Nagercoil, made in I.A.No.226 of 2015 in D.O.P.No.299 of 2013.

2. The petitioner filed an original petition before the District Court, Kanyakumari Division at Nagercoil against the respondent under Section 10(I)X of Divorce Act, seeking divorce. In the original petition, the respondent filed an application in I.A.No.226 of 2015 under Section 36 of Indian Divorce Act for payment of Rs.10,000/- towards interim alimony and Rs.25,000/- towards litigation expenses.

3. The learned District Judge having found that the petitioner is working in a ship and earning Rs.40,000/- per month, directed him to pay Rs.5,000/- per month towards interim alimony to the respondent from the date of filing of the original petition and Rs.25,000/- towards litigation expenses.

4. Mr.F.Deepak, learned counsel for the petitioner would submit that the petitioner filed the original petition in the month of August 2013, however, the respondent chose to file the application in the month of July 2015. The petitioner is ready to pay the interim alimony from the date of her application and the Court cannot direct the petitioner to pay the Interim alimony from the date of filing of the original petition.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Heard, Mr.K.Vamanan, learned counsel for the respondent and perused the records.



6. Considering the above submissions, this Civil Revision Petition is partly allowed, directing the petitioner to pay Rs.5,000/- towards interim alimony per month to the respondent from the month of July 2015 and Rs.25,000/- towards litigation expenses. The arrears of interim alimony and litigation expenses shall be paid by the petitioner less already paid within a period of two weeks, from the date of receipt of a copy of this order. The petitioner shall continue to pay interim alimony till the disposal of the original petition.

7. Accordingly, the Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/
Assistant Registrar(W)

/TRUE COPY/

Sub Assistant Registrar

To
The District Judge,
Kanyakumari Division at Nagercoil.

+1cc to M/S.F.Deepak, Advocate in SR.No.33464
+1cc to M/S.K.Vamanan, Advocate in SR.No.33420

C.R.P. (MD) No.756 of 2016
and

C.M.P.Nos.3745 & 6288 of 2016
27.06.2016

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