



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2017

CORAM:

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(PD) (MD)No.2095 of 2016
and C.M.P(MD)Nos.9783 & 11410 of 2016

Durga ... Petitioner/Petitioner/Respondent

Vs.

Muthukumar ... Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed in I.A.No.92 of 2016 in H.M.O.P.No.93 of 2011 on the file of the learned Principal Sub Judge at Kumbakonam, dated 04.10.2016.

For Petitioner : Mr.M.R.S.Prabhu
For Respondent : Mrs.G.Rose Sweety

ORDER

The petitioner has filed the above Civil Revision Petition against the order, dated 04.10.2016, passed in I.A.No.92 of 2016 in H.M.O.P.No.93 of 2011 on the file of the learned Principal Sub Judge at Kumbakonam.

2.The respondent filed a petition in H.M.O.P.No.34 of 2010 on the file of the Sub Court, Valliyur and subsequently transferred and re-numbered as H.M.O.P.No.93 of 2011 on the file of the Principal Sub Court, Kumbakonam against the petitioner for dissolving the marriage. In the mean time, the respondent filed an application in I.A.No.62 of 2011 for interim maintenance and litigation expenses. By an order, dated 29.07.2013, a sum of Rs.5,000/- per month was granted to the petitioner and a sum of Rs.3,000/- per month was granted to her as interim maintenance and Rs.5,000/- was granted towards litigation expenses. The respondent paid a total sum of Rs.3,97,000/-. The petitioner already filed an application in I.A.No.124 of 2013, dated 30.09.2013 for recovery of interim maintenance as per the order passed in I.A.No.62 of 2011 claiming arrears from the date of filing of I.A.No.62 of 2011. The petitioner has filed the present application in I.A.No.92 of 2016 directing the respondent to pay maintenance arrears amount within the time fixed by the Court, failing which to struck off H.M.O.P.



3. According to the petitioner, she is entitled to interim maintenance from the date of filing of H.M.O.P. The contention of the respondent is that the petitioner is entitled for interim maintenance only from the date of filing of the application in I.A.No.62 of 2011 for interim maintenance.

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4. The learned Judge considering all the materials available on record and pendency of I.A.No.124 of 2013, dismissed the application holding that the petitioner is entitled to interim maintenance only from the date of application for interim maintenance.

5. The learned counsel for the petitioner submitted that the trial Court ought to have directed the respondent to pay the interim maintenance to the petitioner before proceeding with trial in the original petition.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

7. From the materials available on record, it is seen that the learned Judge has given cogent and valid reason and by elaborate order dismissed the application, after considering the Judgments relied on by the learned counsel for the parties. There is no error or irregularity in the order passed by the learned Principal Sub Judge, Kumbakonam warranting interference of this Court. Hence, this Civil Revision Petition is liable to be dismissed.

8. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To
The Principal Sub Judge,
Kumbakonam.
+1cc TO M/S.Rose Sweety, SR.6088

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and

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