

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4301 of 2013
& M.P.No.1 of 2013

T.Nagarajan

.. Petitioner

Vs.

P.K.Kavitha

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and docket order dated 22.08.2013 made in I.A.No.5 of 2013 in H.M.O.P.No.25 of 2010 on the file of the Principal Subordinate Court, Tindivanam.

For Petitioner : Mr.T.C.Sibin
for Mr.R.C.Paul Kanagaraj

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed against the petition and docket order dated 22.08.2013 made in I.A.No.5 of 2013 in H.M.O.P.No.25 of 2010 on the file of the Principal Subordinate Court, Tindivanam.

2.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and her name is printed in the cause list, there is no representation for her either in person or through counsel.

3.The petitioner/husband filed H.M.O.P.No.15 of 2010 on the file of the Subordinate Court, Dhindivanam against the respondent/wife for divorce. The respondent filed I.A.No.5 of 2013, claiming a sum of Rs.3,000/- per month as interim maintenance and Rs.15,000/- towards litigation expenses. According to the respondent, she is not having any independent income and living separately. The petitioner is earning Rs.10,000/- per month and is not maintaining the respondent.

4.The petitioner filed counter affidavit and contended that he is not working and earning Rs.10,000/-, as alleged by the respondent. The educational qualification of the respondent is M.Phil and she is working in a Private School and is earning. The respondent is owning immovable property. Only to harass the petitioner, the respondent has filed the application. Earlier the petition filed by the respondent was dismissed and prayed for dismissal of the application.

5.The learned Judge without considering the contention of the petitioner as well as the respondent, directed the petitioner to pay a sum of Rs.6,000/- per month. The said order is passed without application of mind and without considering the contention of the parties. In view of the same, the impugned order of the learned Judge is set aside and I.A.No.5 of 2013 is remitted back to the learned Judge for fresh consideration and pass orders on merits after appreciating the rival contentions of the petitioner and respondent.

6.In the result, this Civil Revision Petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2018

gsa

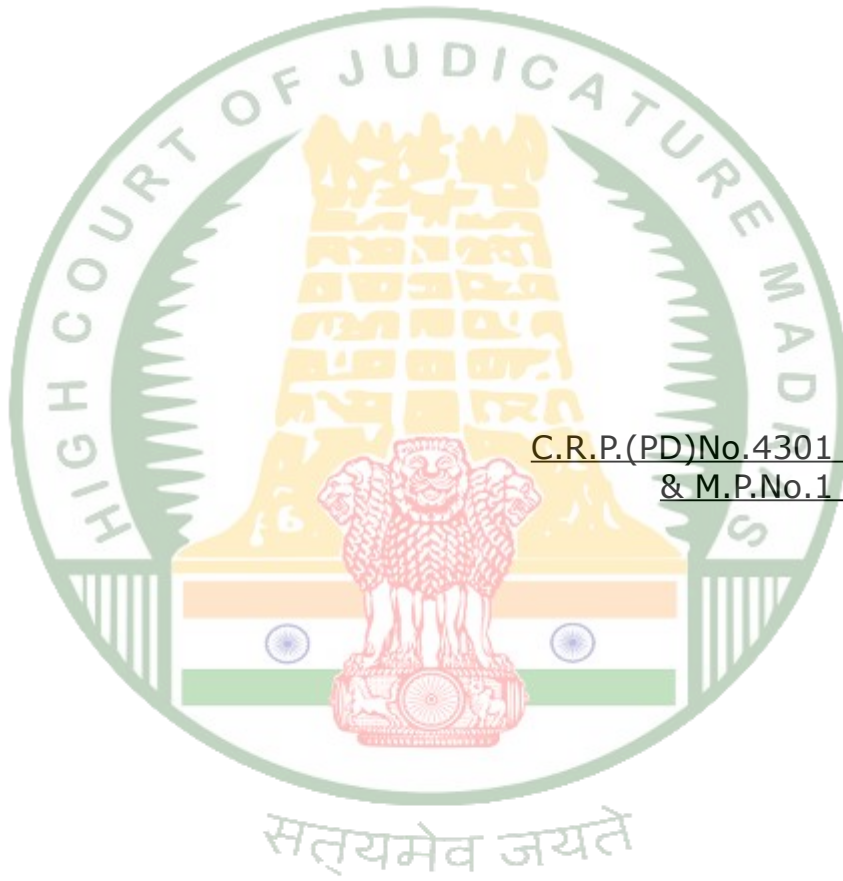
To

The Principal Subordinate Judge,
Tindivanam.

WEB COPY

V.M.VELUMANI,J.

gsa



C.R.P.(PD)No.4301 of 2013
& M.P.No.1 of 2013

WEB COPY

23.02.2018