



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****CRP (PD) (MD) No.990 of 2016****and****CMP(MD)No.4892 of 2016**

Manivannan

... Petitioner

**Vs.**

T.Kohila

... Respondent

**Prayer :** This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A No.20 of 2015 in HMOP No.114 of 2014 dated 23.06.2015 on the file of the learned Principal Sub Court, Nagercoil and begs to allow the same.

|                |                 |
|----------------|-----------------|
| For Petitioner | : Mr.K.Vamanan  |
| For Respondent | : No appearance |

**ORDER**

The respondent herein filed HMOP No.114 of 2014 on the file of the Principal Sub Court, Nagercoil seeking divorce. In the said HMOP, the respondent filed I.A No.20 of 2015 seeking interim maintenance. The court below allowed the same and directed the petitioner herein to pay a sum of Rs.5,000/- per month as interim maintenance. The correctness of the said order is questioned in this civil revision petition.

2.Heard the learned counsel for the petitioner. Though the respondent has been served and her name is also printed in the cause list, she has not chosen to enter appearance either in person or through counsel.

3.The counsel for the petitioner states that HMOP No.114 of 2014 filed by the respondent has since been allowed. He would further submitted that the petitioner has chosen not to challenge the same. The decree of divorce granted in favour of the respondent has become final. The respondent is also said to have got remarried on 31.08.2017. It is also submitted that the petitioner herein is a construction worker and he met with an accident during his employment. He is said to be in the care and custody of the parents.



4. Taking note of all these aspects, this Court is of the view that the order passed by the court below can be modified. The amount of interim maintenance payable by the petitioner herein is reduced from Rs.5,000/- to Rs.2,000/- p/m.

5. With this modification, this Civil Revision Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS-III)

To

The Principal Sub Judge, Nagercoil.

+1cc to Mr.K.Vamanan, Advocate, Sr.No.90144.

**CRP (PD) (MD) No.990 of 2016**  
**and**  
**CMP (MD) No.4892 of 2016**  
**10.10.2018**

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RAM-KK/RSK/SAR 3/12.12.2018/2P/3C