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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.08.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.1716 of 2018 (PD)
and
CMP(MD)No.7362 of 2018

Kanagashanmugam ...Petitioner/Respondent/Respondent
Vs.

Meenakshi ... Respondent/Petitioner/Petitioner

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.69 of 2017 in HMOP.No.18 of 2016 on the file of the Additional Sub Court, Thanjavur.

For Petitioner : Mr.Niranjan S.Kumar
for D.Muruganandham

ORDER

The revision petitioner got married to the respondent on 08.09.2013 at Valayapatti, Pudukkottai District. The marital relationship between the parties appears to have come under strain. Therefore, the respondent filed HMOP.No.18 of 2016 before the Additional Sub Court, Tanjore seeking restitution of conjugal rights.The petitioner filed HMOP.No.119 before the same court seeking divorce.In her restitution proceedings, the respondent herein filed I.A.No.69 of 2017 seeking interim maintenance. The respondent sought a sum of Rs.20,000/- as interim maintenance to be paid every month. The court below awarded a sum of Rs.4,000/-. The said order dated 18.09.2017 is under challenge in this Civil Revision Petition.

2.Heard the learned counsel for the revision petitioner.

3.This Court is of the view that the amount awarded by the court below cannot be said to be unreasonable or excessive by any standard. Therefore, this Court sustains the order impugned in this Civil Revision Petition. But then, this Court is also of the view that HMOPs filed by both parties can be jointly tried. Therefore, a direction is given to the Additional Sub Court, Tanjore to jointly try HMOP.No.18 of 2016 and HMOP.No.119 of 2018 and dispose them of in accordance with law, within a period of three months from the date of receipt of a copy of this order. It goes without saying that till the disposal of both the HMOPs, the revision petitioner is obliged to make the payment of interim maintenance without fail.

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4.With this direction, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(AS)

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Sub Assistant Registrar(CS-III)

To

The Additional Sub Judge, Thanjavur.

+1CC to Mr.D.Muruganandham, Advocate, SR.No. 77398

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