



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.1945 of 2018

and

C.M.P. (MD) No.8578 of 2018

Selvapackiam

... Petitioner

/Vs./

Bagavath Singh

... Respondent

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.179 of 2018 in D.O.P.No.85 of 2018 dated 20.07.2018 on the file of the Family Court, Tirunelveli.

For Petitioner

: Mr.H.Arumugam

For Respondent

: Mr.K.Sivabalan

ORDER

The respondent herein filed D.O.P.No.167 of 2017 on the file of the Additional District Judge, Tirunelveli, which was transferred to Family Court, Tirunelveli and re-numbered as D.O.P.No.85 of 2018. It was for dissolving his marriage with the petitioner herein. In the said DOP, the revision petitioner filed I.A.No.179 of 2018 seeking interim maintenance. Through the wedlock, three children were born. One is with the husband and other two are with the wife namely the revision petitioner herein. The Court below by order dated 20.07.2018 directed the respondent to pay a sum of Rs.5,000/- in all. The Court below declined to grant any interim maintenance to the revision petitioner, since she is employed as Teacher in an aided Institution. The said order is assailed by the petitioner herein / wife in this civil revision petition.

2. Heard the learned counsel on either side.

3. The application seeking interim maintenance was filed on 19.01.2018. The said application was disposed of on 20.07.2018. The Court below ought to have directed the respondent to pay interim maintenance from the date of application. Instead of, the respondent has been directed to pay interim maintenance only from the date of order impugned in this civil revision petition. It is clearly incorrect. Therefore, the order impugned in this civil revision petition is modified and the respondent is directed to pay interim



maintenance to the children, who are with the revision petitioner with effect from the date of application.

4. It is seen that the petitioner herein did not adduce any evidence before the Court below. The learned counsel appearing for the revision petitioner now states that the respondent is having eight houses and he is also having a small Mixer Manufacturing Unit. He would further claim that even though she is employed as Teacher in an Aided Institution, she has not got any salary. These facts have not been placed before the Court below. Therefore, liberty is given to the petitioner herein to file another IA seeking enhancement as well as the modification of the order passed by the Court below.

5. With this liberty, this civil revision petition is partly allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl.Side)
/True Copy/

Sub Assistant Registrar(CS-II)

To
The Judge,
Family Court,
Tirunelveli.

- 1 CC TO Mr.K.SIVABALAN , ADVOCATE IN SR No.91883.
- + 1 CC TO Mr.H.ARUMUGAM , ADVOCATE IN SR No.92116.
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- SM
- DS RSK SAR2 20 12 2018 2P 4C

Order made in
C.R.P. (MD) (PD) No.1945 of 2018
24.10.2018