



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (MD)No.2132 of 2018

WEB COPY

C.Moorthi

.. Petitioner/Respondent/
Petitioner

vs.

M.Palanimuthu @ Subbulakshmi

.. Respondent/Petitioner/
Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed by the learned Subordinate Judge, Devakottai dated 29.06.2018 in I.A.No.138 of 2017 in H.M.O.P.No.189 of 2016.

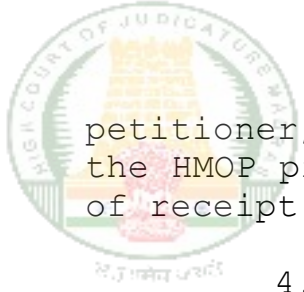
For Petitioner : Mr.S.M.Sanjay

ORDER

The revision petitioner challenges the order of interim maintenance granted in favour of the respondent herein. The Court below has directed the petitioner to pay a sum of Rs.5,000/- per month as maintenance.

2. It is seen that the respondent had already instituted proceedings under the Protection of Women from Domestic Violence Act, 2005, and the petitioner has been directed to deposit a sum of Rs.4,500/- per month by order dated 16.08.2008 passed by the High Court in Crl.R.C.(MD).No.439 of 2018, which has been enclosed in the typeset of papers. Since the order passed by the High Court in the criminal revision case is subsequent, the same has not been referred in the order impugned in the Civil Revision Petition. Then the amount directed to be paid by the petitioner in the criminal revision will have to be given due credit and adjustment. Therefore, the petitioner will have to pay only a sum of Rs.500/-, even though the order impugned in the Civil Revision Petition directs the petitioner to pay a sum of Rs.5,000/-. Hence, the order impugned in this Civil Revision Petition is confirmed.

3. The learned counsel appearing for the revision petitioner submits that instead of depositing the said amount of Rs.5,000/- before the Court below, he shall pay the said amount of Rs.5,000/- directly to the respondent. This amount of Rs.5,000/- includes the amount directed to be paid under the DVOP proceedings. Since such an offer has been made by the revision



petitioner, I deem it fit to direct the Court below to conclude the HMOP proceedings, within a period of eight months from the date of receipt of a copy of this order.

4. With these direction and observation, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Subordinate Judge,
Devakottai.

2. The Section Officer, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

pjl

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