



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. (PD) (MD)No.399 of 2020

WEB COPY

D.Rosatty

... Petitioner/Petitioner/Respondent

vs.

V.Victor Rajendran

... Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, to direct the learned Principal District Judge, Thoothukudi District to dispose the petition in I.A.No.377 of 2017 in I.D.O.P.No.376 of 2016 on the file of the learned Principal District Judge, Thoothukudi District as early as possible as the time fixed by this Court.

For Petitioner : Mr.C.M.Arumugam

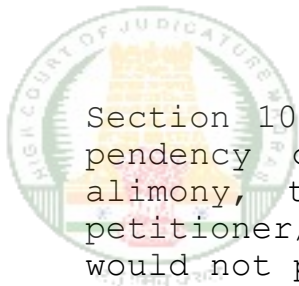
ORDER

This civil revision petition has been filed to direct the learned Principal District Judge, Thoothukudi District, to dispose the petition in I.A.No.377 of 2017 in I.D.O.P.No.376 of 2016 on the file of the learned Principal District Judge, Thoothukudi District, as early as possible within a time frame.

2.The respondent/husband has filed a petition in I.D.O.P.No.376 of 2016 for divorce before the Principal District Judge, Thoothukudi. During the pendency of the said I.D.O.P., the petitioner/wife has filed an application in I.A.No.377 of 2017 for interim alimony. In the meantime, the respondent/husband has filed a civil revision petition in C.R.P.(MD).No.550 of 2017 before this Court for early disposal of I.D.O.P.No.376 of 2016. The said C.R.P was disposed of on 13.07.2018 directing the learned District Judge, to dispose the said I.D.O.P within a period of four months. Subsequently, the respondent entered into witness box and he examined himself and the petitioner's side evidence has been commenced. Before the disposal of the I.A, the petitioner has approached this Court. The learned trial Judge has not stated anything about the interim alimony and only directed to proceed with the I.D.O.P. Aggrieved over the same, the petitioner is before this Court.

3.I have perused the materials available on record.

4.The petitioner is the wife and the respondent is the husband and the respondent/husband has filed a petition for divorce under



Section 10(1)(x) of the Indian Divorce Act, as amended. During the pendency of the petition filed by the petitioner for interim alimony, the trial has been commenced. The apprehension of the petitioner/wife is that without making any direction in the IDOP, it would not be possible to get any maintenance to the petitioner.

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5.It is not in dispute that in the main IDOP, trial has been commenced and P.W.1 was examined in chief and cross-examination in part and the said I.A is also pending. The submission of the learned counsel for the petitioner is that the said I.A should also be simultaneously proceeded with the main IDOP.

6.It is needless to say that the said I.A is only for interim alimony, filed during the pendency of the IDOP and it will be disposed of along with the IDOP. In the main IDOP itself trial has been commenced. Therefore, if the said I.A is proceeded independently, it will cause further delay in main IDOP. However, the trial Court has to safeguard the interest of the petitioner. Therefore, as per the direction of this Court, the trial Court is directed to expedite the IDOP and dispose the matter within a period of four months. While deciding the main I.D.O.P, the trial Judge is also directed to take into consideration either permanent alimony to the petitioner, in case of divorce is granted or otherwise, directed to consider the interim alimony, at the time of disposal of the IDOP.

With the above observation, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal District Judge,
Thoothukudi District

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-9827[F] dated 03/03/2020)

C.R.P. (PD) (MD) No.399 of 2020

02.03.2020

CV(15.05.2020) 2P 3C