



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (NPD) (MD)No.177 of 2019

and

C.M.P. (MD)No.784 of 2019

WEB COPY

J.Angel Shiny : Petitioner/Petitioner/Respondent
.. Vs ..

Pushpam Inigo : Respondent/Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the petition and order dated 29.11.2018 passed in I.A.No.414 of 2017 in DOP No.71 of 2017 on the file of the Principal District Judge, Thoothukudi.

For Petitioners : Mr.K.Chengiz Khan

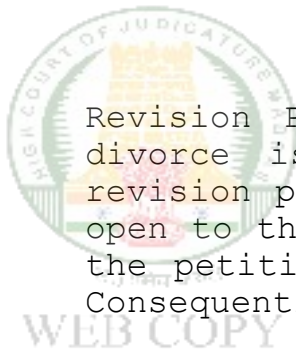
ORDER

This Civil Revision Petition is directed against the order dated 29.11.2018 passed in I.A.No.414 of 2017 by the learned Principal District Judge, Tuticorin.

2.The petitioner is the wife. The respondent has filed a petition in D.O.P.No.71 of 2017 on the file of the Principal District Court, Tuticorin, for divorce. During the pendency of the petition for divorce, the revision petitioner/wife filed a petition for interim maintenance. The said application was ordered on the basis of the memo filed by the husband agreeing to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) per month towards interim maintenance. Aggrieved by the order fixing the quantum of Rs.50,000/- (Rupees Fifty Thousand only) per month towards maintenance, the wife has preferred the above Civil Revision Petition.

3.The grievance of the petitioner is that she was not heard when the petition for maintenance was decided by the lower Court. It appears that based on the memo filed by the husband, a sum of Rs.50,000/- was fixed as interim maintenance.

4.The learned Counsel appearing for the petitioner himself admitted that the petition for divorce preferred by the husband in D.O.P.No.71 of 2017 was dismissed for default. It is in the said circumstances, there is no question of paying any interim maintenance during pendency of the proceedings initiated by the husband in D.O.P.No.71 of 2017. Learned Counsel appearing for the petitioner himself concedes that the Civil Revision Petition may be closed with liberty to review the order of this Court in this Civil



Revision Petition in case the petition filed by the husband for divorce is restored on file. Preserving such liberty to the revision petitioner, this Civil Revision Petition is closed. It is open to the revision petitioner to seek review of the order in case the petition filed by the husband is restored on file. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

The Principal District Judge,
Thoothukudi.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-13412[F] dated 31/07/2020)

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SPU(12.08.2020) 2P 3C