



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM

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

C.R.P. (PD) (MD)No.2891 of 2018

and

C.M.P. (MD)No.12484 of 2018

Rengasamy : Petitioner/Appellant/Respondent/Petitioner

.. Vs ..

Maheswari : Respondent/Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records pertaining to the fair and decreetal order, dated 03.08.2017 in C.M.A.No.06 of 2016 on the file of the Principal District Court, Pudukottai, confirming the fair and decreetal order, dated 17.10.2014 in I.A.No.478 of 2012 in H.M.O.P.No.189 of 2009 on the file of the Subordinate Court, Pudukottai and set aside the same.

For Petitioner	:Mr.R.Paranjothi
For Respondent	:No appearance

ORDER

This Civil Revision Petition is directed against the order passed by the learned Principal District Judge, Pudukottai, in C.M.A.No.06 of 2016, dated 03.08.2017, confirming the fair and decreetal order passed by the learned Subordinate Judge, Pudukottai, in I.A.No.478 of 2012 in H.M.O.P.No.189 of 2009, dated 17.10.2014.

2.The revision petitioner is the husband and the respondent is the wife. Their marriage was solemnized on 19.11.1999. The husband filed a petition in H.M.O.P.No.189 of 2009 on the file of the Subordinate Court, Pudukottai, for dissolution of marriage on the ground of desertion and mental cruelty. However, this petition was opposed by the respondent. During the pendency of the petition for divorce, the respondent/wife filed an application for interim maintenance in I.A.No.478 of 2012. The said application was partly allowed and the learned Subordinate Judge has granted interim maintenance at the rate of Rs.4,000/- per month, as against the claim of Rs.10,000/- per month. Aggrieved by the order passed by the learned Subordinate Judge, Pudukottai, the petitioner/husband filed an appeal in C.M.A.No.06 of 2015 before the Principal District Court, Pudukottai. The appellate Court reduced the interim maintenance from Rs.4,000/- to Rs.2,000/- per month. Aggrieved by the order granting an interim maintenance at the rate of Rs.2,000/- per month, the above revision petition is filed by the husband.



3.The lower Court has fixed a meagre amount of Rs.2,000/- per month as maintenance to the respondent from the date of petition. The lower Court has directed the petitioner to pay arrears for the period from 10.10.2012 till date within two months. The petitioner has not even stated whether he has complied with the said direction. After the interim application was partly allowed and the appeal filed by the petitioner was also partly allowed, the petition for divorce filed by the husband was dismissed and it is stated that the appeal in C.M.A.No.03 of 2016 is pending. This Court finds no reason to reduce the amount from Rs.2000/- nor finds any reason to deprive the respondent/wife to get monthly maintenance from the revision petitioner.

4.As a result, this revision petition is dismissed. The order passed by the learned Principal District Judge, Pudukottai, in C.M.A.No.06 of 2016, dated 03.08.2017, modifying the fair and decretal order passed by the learned Subordinate Judge, Pudukottai, in I.A.No.478 of 2012 in H.M.O.P.No.189 of 2009, dated 17.10.2014, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Principal District Judge, Pudukottai.

2.The Subordinate Judge, Pudukottai.

Copy To:-The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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AP(07/09/2020) 2P 4C