



C.R.P(PD).No.718 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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Kumaresan

... Petitioner

Versus

1.P.Santhi

2.Minor.Aswin

3.Minor.Akash

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C, praying to set aside the order and decree dated 26.10.2018, passed in I.A.No.35 of 2018, in HMOP.No.60 of 2017, on the file of the Subordinate Court, Sathyamangalam.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : No Appearance

ORDER

(This case has been heard through Video Conference)

This Civil Revision Petition has been filed against the order and decree dated 26.10.2018, passed in I.A.No.35 of 2018, in HMOP.No.60 of 2017, on the file of the Subordinate Court, Sathyamangalam.



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2.Heard both sides.

3.The revision petitioner herein is the husband who filed a petition for divorce on the file of the Subordinate Court, Sathyamangalam, in HMOP.No.60 of 2017 against his wife Shanthi. During the pendency of that petition, she filed I.A.No.35 of 2018, claiming interim maintenance for herself and two minor children.

4.The said petition was contested by the husband and on hearing both sides, the trial Judge by order dated 26.10.2018 directed the husband to pay the interim maintenance of Rs.12,000/- (Rs.4,000*3) on or before 10th of every succeeding English calendar month. Against that order, the husband preferred this revision petition.

5.On perusal of the records, it clearly reveals that no arrears of amount was deposited. The husband has not produced any document to show that he has paid the maintenance to the children and wife. Admittedly, the



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wife is struggling with two children without any source of income and the arrears of maintenance also comes to more than lakhs. Till date, the husband is not inclined to pay any maintenance to the wife. Therefore, he is not entitled to file this Civil Revision Petition. Accordingly, the entire proceedings in the Civil Revision Petition is dismissed as struck off and the order passed by the Subordinate Court, Sathyamangalam, is confirmed. Since the HMOP is of the year 2017, the Court below is directed to dispose of the same within a period of three months from the date of receipt of a copy of this order. The husband is having huge arrears of maintenance and he is not entitled to proceed with the revision. Accordingly, the entire proceedings in this civil revision petition is ordered to be struck off. No costs.

01.11.2021

Internet : Yes / No

Index : Yes / No

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To
The Subordinate Court,
Sathyamangalam.

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