

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (PD) No.2352 of 2021
and C.M.P. No.17833 of 2021

B.Senthilkumar

...

Petitioner /
Respondent

versus

M.Subashini

...

Respondent /
Petitioner

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the order and decretal order in I.A.No.71 of 2017 in H.M.O.P.No.50 of 2016 dated 11.02.2021 on the file of the learned Subordinate Judge, Vaniyampadi.

For Petitioner

: Mr.S.Vanchinathan

ORDER

This Civil Revision Petition is filed, challenging the order dated 11.02.2021 passed by the learned Subordinate Judge, Vaniyampadi in I.A.No.71 of 2017 in H.M.O.P.No.50 of 2016.

2. It is submitted by the learned counsel for the petitioner that, the respondent filed the petition under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights and it is pending in H.M.O.P.No.50 of 2016. Petitioner filed the petition under Section 13(1)(i)(ib) of the Hindu Marriage Act, for divorce against the respondent in H.M.O.P.No.93 of 2017. When these petitions are pending, the respondent filed I.A.No.71 of 2017 under Section 24 of Hindu Marriage Act claiming interim maintenance. This petition was contested by the petitioner. However, the learned Subordinate Judge, directed the petitioner to pay a sum of Rs.10,000/- per month, as interim maintenance from the date of filing the petition and to pay a sum of Rs.5,000/- towards litigation charges. Challenging the said order, the petitioner preferred this Civil Revision Petition.

3. The learned counsel for the petitioner submitted that, arrears of interim maintenance amount from the date of filing of the petition comes to Rs.4,95,000/-. It is fairly conceded that, the petitioner is prepared to pay Rs.10,000/- per month, as interim maintenance to the respondent. His only request is that, he may be given certain time for clearing arrears amount.

4. Perusal of the order of the learned Subordinate Judge shows that, the petitioner is working in CTS company and admitted that, he is drawing a salary of Rs.65,000/- per month. Therefore, there is no reason to differ from the order of the learned Subordinate Judge in fixing the quantum of interim maintenance at Rs.10,000/- per month. Petitioner is also willing to pay this amount as interim maintenance. Taking note of the request that, the petitioner may be granted certain amount for clearing the arrears amount, this Court directs the petitioner to immediately pay 50% of the arrears amount directly to the respondent, within a period of two weeks from today and the balance arrears amount is directed to be paid, within two months from today.

5. With these observations, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

02.11.2021

Speaking order / Non-speaking order
Index : Yes / No
sri

To
The Subordinate Judge, Vaniyampadi.

G.CHANDRASEKHARAN, J.

sri



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