

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P. (PD) No.1195 of 2021
and C.M.P.No.9237 of 2021

L.Venkatesan ... Petitioner / Respondent / Petitioner

Vs

1.K.Shyamala
... Respondent / Petitioner / 1st Respondent

2.B.Purushothaman
... Respondent / 2nd Respondent / 2nd Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order made in I.A.No.1 of 2019 in H.M.O.P.No.46 of 2018 on the file of the Subordinate Judge, Gudiyattam, Vellore District, dated 01.03.2021.

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For Petitioner : Mr.K.A.Ravindran

For Respondents : No Appearance

ORDER

The petitioner in H.M.O.P.No.46 of 2018 now pending on the file of the Subordinate Court at Gudiyattam is the Revision Petitioner herein. The Revision Petitioner is aggrieved by the order dated 01.03.2021 passed in I.A.No.1 of 2019 which application had been filed by the first respondent / wife seeking interim maintenance and had been filed under Section 24 of the Hindu Marriage Act, 1955.

2. It is stated by Mr.K.Ravindran, learned counsel for the petitioner that in the said application the learned Sub Judge has directed payment of interim maintenance of Rs.3000/- per month. The said order is being seriously questioned on the ground that the first respondent herein / wife is living as adulterous life. As a matter of fact, the petitioner herein had also impleaded as the second respondent the said individual against whom he had raised such allegation.

3. It is also contended that taking into account that the said conduct of the said first respondent, imposing a liability on the part of the

petitioner herein to pay monthly maintenance is not fair and therefore the said order has to be interfered with.

4. It is seen from the records that the trial has not yet commenced. So far as the Court is concerned any allegation has not yet been proved in the manner known to law.

5. The learned counsel stated that the parties had also given a admission note to the panchayatdars. The Court must give a Judicial finding with respect to the allegations made in H.M.O.P.No.46 of 2018 and till that time, the marriage subsists and the obligation of the husband to pay monthly maintenance towards the wife also continues.

6. I do not find any reasonable reason to interfere with the order now questioned. The petitioner herein has to comply with the directions. He may very well take necessary steps to ensure trial in H.M.O.P.No.46 of 2018 commences at an early date.

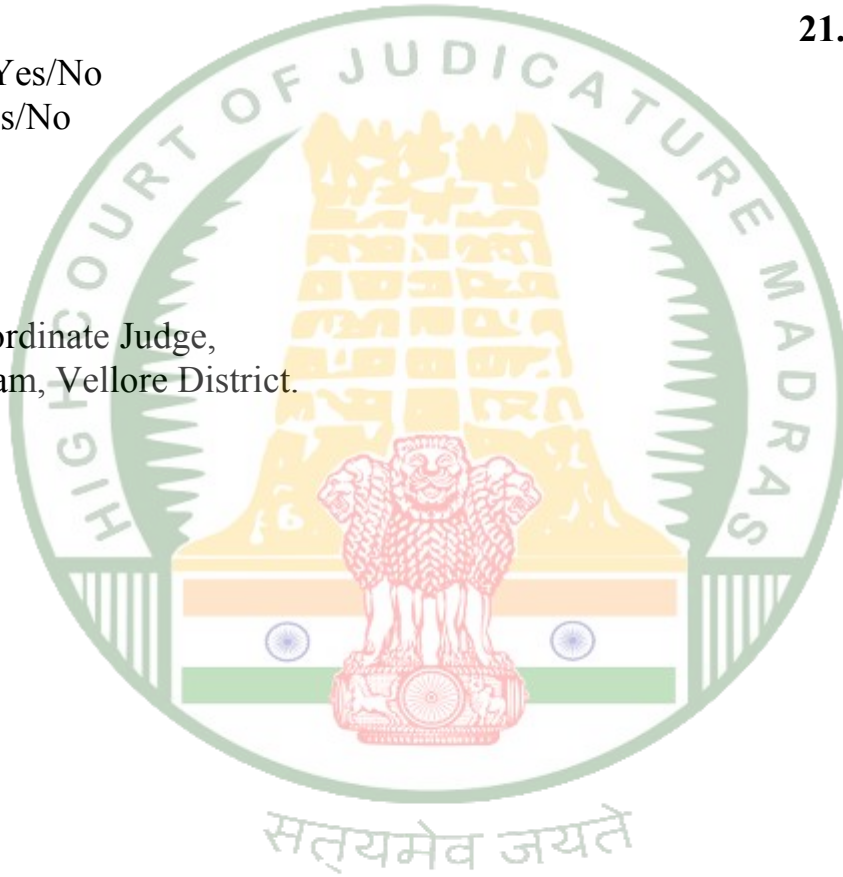
7. With the said observations, the Civil Revision Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

21.06.2021

Internet: Yes/No
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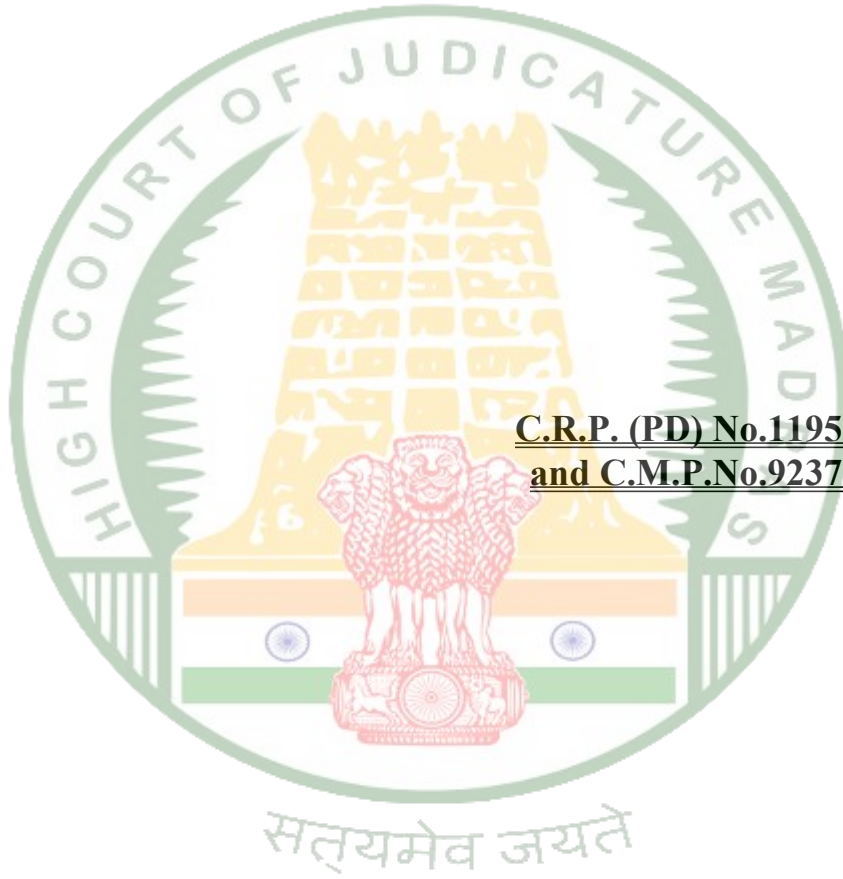
The Subordinate Judge,
Gudiyattam, Vellore District.



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C.V.KARTHIKEYAN,J.

rna



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