

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.402 of 2018

and

CMP.No.2190 of 2018

M.Thangaraj

..Petitioner

Vs.

M.Kavitha

..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the order dated 26.07.2017 passed in IA.No.37 of 2017 in IA.No.110 of 2015 in HMOP.No.248 of 2013 on the file of the Sub Judge, Ponneri, Thiruvallur.

For Petitioner : Mr.R.Muthukumar

For Respondent : No appearance

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ORDER

This civil revision petition is filed challenging the order dated 26.07.2017 passed in IA.No.37 of 2017 in IA.No.110 of 2015 in HMOP.No.248 of 2013 on the file of the Sub Judge, Ponneri,

Thiruvallur, thereby ordered a sum of Rs.10,000/- as monthly maintenance payable by the petitioner to the respondent.

2. The petitioner is the husband and the respondent is the wife. The petitioner filed petition for divorce on the ground of cruelty. While pending the divorce petition, the respondent filed petition for interim maintenance. After filing counter, the petitioner failed to appear before the trial court and as such the court set him exparte and exparte order was passed and directed the petitioner to pay a sum of Rs.10,000/- as monthly interim maintenance till the disposal of the main divorce petition. While admitting the present civil revision petition, this Court granted stay on condition that the petitioner pays the arrear as sum of Rs.5,000/- per month from the date of petition and till January 2018 as interim maintenance within a period of six weeks. Accordingly, the petitioner complied with the condition and is now regularly paying Rs.5,000/- per month to the respondent as interim maintenance.

3. Though notice was served to the respondent and name was also printed in the cause list, no one appeared on behalf of the respondent before this Court in person or through pleader.

4. The divorce petition is very much pending before the trial court. On perusal of the counter filed by the petitioner in the interim maintenance petition stated that the respondent was not interested in marriage and due to compulsion of her family members, she agreed for marriage. Thereafter, she herself wantonly left the matrimonial home without any valid reason. Therefore, the petitioner was constrained to file divorce petition on the ground of cruelty. The petitioner studied upto fifth standard and he has no job. His father is running a petty shop and he has no other source of income.

5. As directed by this Court, the petitioner complied with the condition and is now regularly paying a sum of Rs.5,000/- as monthly interim maintenance to the respondent. Considering the facts and circumstances of the case, this Court felt that a sum of Rs.10,000/- as interim maintenance is high and it is liable to be reduced. Accordingly, the order passed by the court below is modified to the effect that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as monthly interim maintenance to the respondent till the disposal of the main divorce petition.

6. Accordingly, this civil revision petition is allowed.

Consequently, connected miscellaneous petition is closed. No order as to costs.

15.04.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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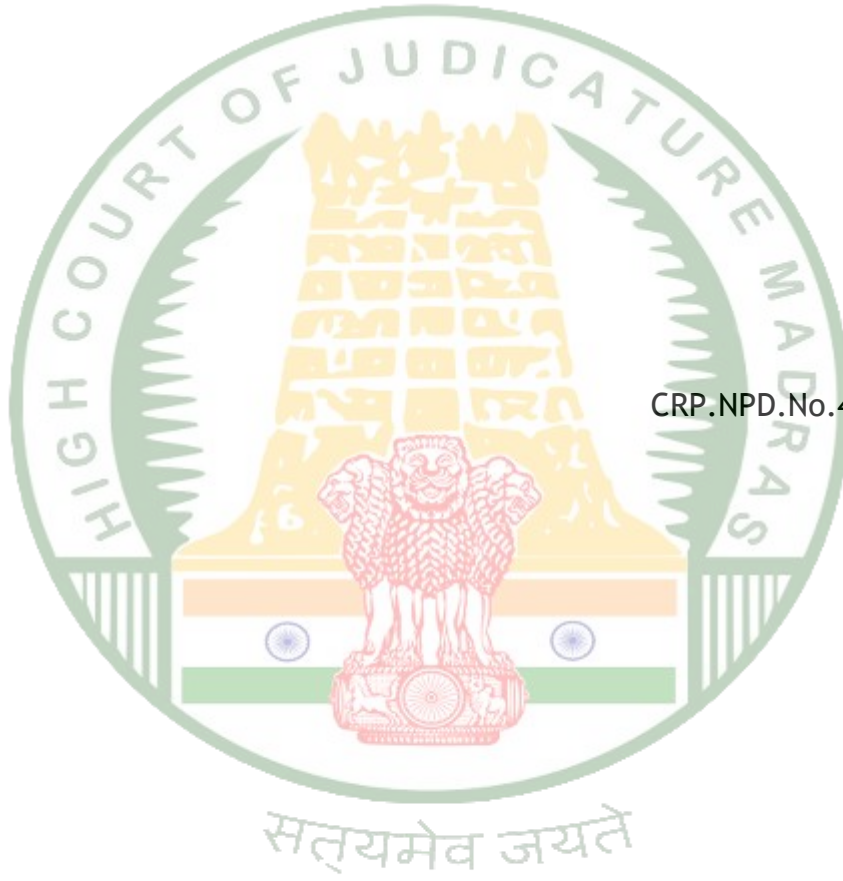
The Sub Judge,
Ponneri, Thiruvallur.



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G.K.ILANTHIRAIYAN,J.

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