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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P. No.857 of 2018

and

C.M.P.No.4722 of 2018

Kalaiselvan @ Christopher

... Appellant/Respondent

Vs.

1. Amul Jenitha

2. Minor Alvin Sam

S/o.Kalaiselvan @ Christopher,

Rep.by his mother and natural guardian.

... Respondents/Petitioners

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the appeal and consequently set aside order made in I.A.No.2546 of 2016 in H.M.O.P.No.141 of 2016 dated 06.11.2017, on the file of the Principal Family Judge, Chennai.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.S.Partheeban

O R D E R

This Civil Revision Petition is filed as against the order passed in I.A.No.2546 of 2016 in H.M.O.P.No.141 of 2016 dated 06.11.2017 on the file of the learned Principal Family Judge, Chennai, thereby partly allowing the petition seeking interim maintenance.

2. The petitioner is the husband and the respondents are the wife and and minor child respectively. The petitioner herein filed a petition for restitution of conjugal rights. While pending the said petition, the respondents filed a petition seeking monthly interim maintenance of Rs.20,000/-. The Court below ordered a sum of Rs.6,750/- per month as interim maintenance to the respondents herein.

3. Now, the learned counsel for the respondents submitted that the main HMOP itself was dismissed on 24.01.2018 and the



interim maintenance was ordered only till the disposal of the main petition. Therefore, the respondents are entitled to claim the arrears of the interim maintenance only till the disposal of the main petition viz., till 24.01.2018.

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4. That apart, the learned counsel for the petitioner submitted that, now the petitioner's mother died and there is possibility for reunion between the petitioner and the first respondent. In view of the above, the respondents are entitled to claim the interim maintenance till the disposal of the main petition viz., 24.01.2018.

5. With the above direction, this Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Family Judge, Chennai.

Copy to

The Section Officer,

V.R. Section, High Court of Madras.

C.R.P.No.857 of 2018

SRA (CO)

B.VC (16.08.2021)