

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP(PD).No.2731 of 2017

and

CMP.No.12971 of 2017

1. Neela @ Neelambal

2. Minor Kokila

[Minor represented by her mother and Natural
Guardian Neela @ Neelambal]

... Petitioners

Vs.

Subramani

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the
Constitution of India, to set aside the order of the learned Subordinate
Judge, Attur, Salem District order dated 20.04.2017 made in I.A.No.84 of
2015 in H.M.O.P.No.33 of 2015.

For Petitioners : Mr.B.Kannadasan

For Respondent : No Appearance

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.84 of 2015 in H.M.O.P.No.33 of 2015 dated 20.04.2017 on the file of the learned Subordinate Judge, Attur, Salem District, thereby, dismissing the petition for interim maintenance.

2. The first petitioner is the wife and the second petitioner is the daughter of the respondent herein. The respondent filed a divorce petition as against the first petitioner herein on the ground of desertion. While pending the divorce petition, though the second petitioner is not a party to the divorce petition, she also joined with hands of her mother viz., the first petitioner and filed a petition for interim maintenance. They sought for interim maintenance at Rs.10,000/- to the first petitioner and 15,000/- to the second petitioner along with Rs.50,000/- for litigation expenses.

3. On a perusal of the records, it reveals that the respondent suffered with leprosy and also he is receiving a sum of Rs.1,000/- from the Government for leprosy treatment. In fact, the second petitioner also filed a suit for partition in O.S.No.80 of 2011 as against the respondent and it is

pending on the file of the Sub Court, Athur. The first petitioner also filed a petition for maintenance in M.C.No.28 of 2004 and the same was allowed in her favour. Thereafter, the respondent failed to pay the maintenance as awarded by the learned Magistrate and as such, he was also imprisoned by the learned Magistrate for non payment of maintenance. Therefore, the respondent has no means to pay any maintenance to the petitioners. Further, the respondent also filed a petition for restitution of conjugal rights in HMOP.No.35 of 2004 and the same was dismissed on 31.08.2005. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. However, the trial Court is directed to dispose of H.M.O.P.No.33 of 2015 within a period of twelve months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

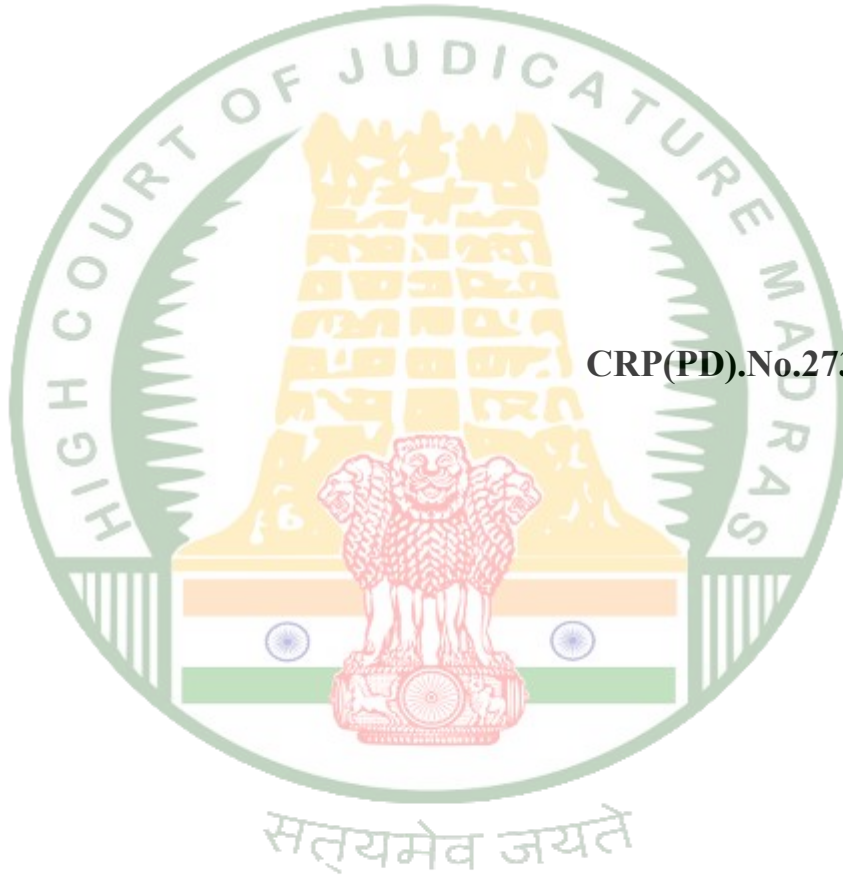
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G.K.ILANTHIRAIYAN,J.

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To

1. The Subordinate Judge, Attur, Salem District.
2. The Section Officer,
V.R.Section, High Court of Madras.



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