

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

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

CRP.PD.No.3562 of 2017
and CMP.No.16816 of 2017

G.Senthilkumar

..Petitioner

Vs.

S.Abirami

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order dated 15.07.2016 made in IA.No.11 of 2011 in HMOP.No.62 of 2010 on the file of the Court of the Subordinate Judge of Sankari.

For Petitioner : Mr.R.Nandhakumar

For Respondent : Mr.N.Manokaran

ORDER

This civil revision petition is filed against the order and decretal order dated 15.07.2016 made in IA.No.11 of 2011 in HMOP.No.62 of 2010 on the file of the Court of the Subordinate Judge of Sankari thereby ordering interim maintenance in respect of the respondent herein.

2. The petitioner is the husband and the respondent is the

wife. The petitioner filed petition for divorce on the ground of cruelty and desertion. While pending the divorce petition, the respondent filed petition for interim maintenance. The court below ordered interim maintenance at Rs.3,000/- to the respondent and Rs.5,000/- to the minor daughter, Surutheksha and also a sum of Rs.10,000/- towards litigation expenses.

3. On perusal of the records revealed that the main divorce petition itself was dismissed for default. The petitioner filed petition to restore the divorce petition with the condone delay petition in IA.No.1 of 2019. The said petition was also dismissed for default. Again, the petitioner filed petition to restore the condone delay petition in IA.No.1 of 2020 and it is pending. However, the petitioner is now seeking some reduction in the interim maintenance payable by him to the respondent. It is also seen that the minor daughter attained majority.

4. Considering the above facts and circumstances, the orders passed by the court below is modified as follows:

"The interim maintenance ordered by the court below is modified that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the respondent and

Rs.4,000/- (Rupees Four Thousand only) to his daughter continuously without fail till the disposal of the divorce petition."

5. It is also ordered that the amount of Rs.1,00,000/- deposited by the petitioner as directed by this Court is permitted to be withdrawn by the respondent herein. Further, the petitioner is directed to deposit the arrears of maintenance of Rs.5,00,000/- (Rupees Five Lakhs only) within a period of twelve weeks from the date of receipt of copy of this order, failing which the order passed by this Court shall stand automatically cancelled. On such deposit, the respondent is permitted to withdraw the same. If the HMOP is restored, the court below is directed to dispose of the same within a period of six months from the date of receipt of copy of this order.

6. Accordingly, this civil revision petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok

15.03.2021

G.K.ILANTHIRAIYAN,J.

lok

To

The Subordinate Judge
of Sankari



CRP.PD.No.3562 of 2017

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