



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.12.2021**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

C.R.P. (PD) (MD) No.1613 of 2021

and

C.M.P. (MD) No.8747 of 2021

WEB COPY

Settu

.. Petitioner/Respondent/  
Respondent

-vs-

Sathyakala

.. Respondent/Petitioner/  
Petitioner

Prayer :- Petition filed under Article 227 of the Constitution of India to call for the records in I.A.No.1 of 2019 in H.M.O.P.No.134 of 2018 on the file of Sub Court, Lalgudi and set aside the order dated 25.06.2020 in I.A.No.1 of 2019 in H.M.O.P.No.134 of 2018.

For Petitioner : Mr.B.Thangamani  
For Respondent : Mr.K.Abiya  
Legal Aid Counsel

**ORDER**

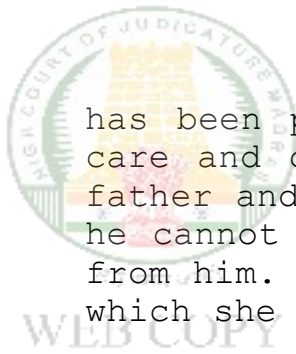
This petition has been filed by the petitioner/husband challenging the order dated 25.06.2020, passed in I.A.No.1 of 2019 in H.M.O.P.No.134 of 2018 by the learned Sub Judge, Lalgudi, directing the revision petitioner to pay monthly maintenance of a sum of Rs.2,000/- to the petitioner and a sum of Rs.2,000/- to the daughter and litigant expenses of Rs.3,000/-.

2.The only ground on which this revision is filed by the petitioner is that the petitioner's only source of income is his flour mill and it is the respondent, who has left her matrimonial home. He would submit that he can only maintain the respondent and his daughter, if they are under the same roof, as maintaining two establishments would be very expensive for him.

3.Heard Mr.B.Thangamani, learned counsel appearing for the petitioner and Mr.K.Abiya, learned Legal Aid Counsel for the respondent

4.Admittedly, the petitioner herein had not been paying the monthly maintenance, which has constrained the respondent herein to file this application in I.A.No.1 of 2019. That apart, the HMOP

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has been pending from the year 2018. The daughter is under the care and custody of the petitioner/mother. The respondent, as a father and husband, is bound to maintain his wife and daughter and he cannot take refuge under the plea that the wife is living away from him. The respondent wife is living away from him for reasons which she has set out in her counter to the HMOP.

5.In these circumstances, the petitioner cannot shirk his responsibility. Further, this Court is of the considered opinion that the maintenance amount is very meagre and the situation would hardly make both ends meet. Therefore, I am not inclined to interfere with the order dated 25.06.2020, passed by the learned Sub Judge, Lalgudi, in I.A.No.1 of 2019 in H.M.O.P.No.134 of 2018. However, there shall be a modification to the order that the amount shall not be deposited by the petitioner, but shall be directly paid to the respondent herein.

6.With the above modification and direction, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

The Sub Judge, Lalgudi.

+1 CC to M/s.K.ABIYA, Advocate (SR-39357[F] dated 17/12/2021)

+1 CC to M/s.B.THANGAMANI, Advocate (SR-39581[F] dated 20/12/2021)

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NSN (CO)

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