



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2021**

CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD) No.1211 of 2017

and

C.M.P. (MD) No.5758 of 2017

Sahaya Siluvai Pio Sumithra

... Petitioner/Petitioner/
Respondent

vs.

Maria Franklin Canisius

... Respondent/Respondent/
Petitioner

PRAYER:- This Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 15.02.2017 passed in I.A.No.251 of 2014 in IDOP.No.155 of 2014 on the file of the Principal District Court, Thoothukudi.

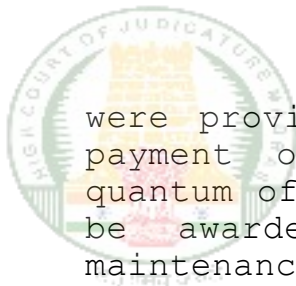
For Petitioner : Mr.M.P.Senthil
For Respondent : Mr.R.J.Karthick

ORDER

The petitioner/wife is the revision petitioner before this Court. She seeks to challenge the order passed in I.A.No.251 of 2014 in IDOP.No.155 of 2014 in and by which her petition seeking maintenance of Rs.20,000/- and legal expenses of Rs.25,000/- has been partly allowed, wherein, maintenance of Rs.2,000/- per month each for the petitioner and her minor son and expenses of Rs.1,000/- has been ordered.

2.The learned counsel appearing for the respondent would submit that the petitioner has been ordered to receive a sum of Rs.5,000/- for herself and another sum of Rs.5,000/- for her minor son in addition to the order passed in M.C.No.1 of 2015 by the orders of the learned 1st Additional Sessions Judge, Thoothukudi in Cr.M.P.No.60 of 2018. Therefore, the petitioner is receiving two sets of maintenance amount.

3.The learned counsel appearing for the petitioner would submit that in the light of the judgment reported in **2021 0 AIR (SC) 569 (Rajnish Vs. Neha and another)**, the Hon'ble Supreme Court was called upon to consider the inconsistencies in the orders passed by the Courts directing maintenance under the different enactments. The Hon'ble Supreme Court considered the same extensively and issued guidelines in this regard and guidelines



were provided with reference to the overlapping of jurisdiction, payment of interim maintenance, criteria for determining the quantum of maintenance, the date from which the maintenance has to be awarded and an enforcement/execution of the orders of maintenance.

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4. In the light of the above judgment, this Civil Revision Petition is allowed and I.A.No.251 of 2014 is remitted back to the learned Principal District Judge, Tuticorin to rehear and pass orders in the above application taking into account the guidelines laid in the above referred judgment. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

The Principal District Judge,
Tuticorin.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-38756[F] dated 15/12/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-38569[F] dated 14/12/2021)

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