



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.1331 of 2017

and

C.M.P(MD)No.6543 of 2017

Pon Erulandi @ Suresh

... Petitioner

Vs.

1.Karpagavalli

2.Minor Surendran

... Respondents

(Minor 2nd respondent represented by his mother and
Natural Guardian the first Respondent)

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.04.2016 passed in I.A.No.731 of 2012 in H.M.C.M.A.No.4 of 2010 on the file of the Principal District Court, Virudhunagar at Srivilliputhur by allowing this civil revision petition.

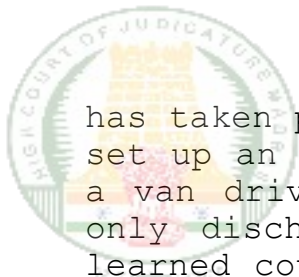
For Petitioner : Mr.T.Selvan

For Respondents : Mr.G.Marimuthu

ORDER

The revision petitioner herein seeks to challenge the order passed in I.A.No.731 of 2012 in H.M.C.M.A No.4 of 2010, in and by which, he has been directed to pay the maintenance of a sum of Rs.1,500/- each to respondents 1 and 2 herein per month and a sum of Rs. 2,000/- towards cost.

2.The petitioner herein had filed H.M.O.P.No.23 of 2005 on the file of Sub Court, Sivakasi, for dissolution of his marriage with the first respondent herein, which was solemnized on 02.03.2000. Out of the wedlock, the two of them have been blessed with a male child on 22.02.2001 and thereafter, issues had cropped between the two. It appears that the second child was also born to them, but however he had not survived beyond the 10th day. The petitioner herein had claimed that the first respondent herein treated him cruelly by forcing the petitioner to give up his earlier job of a driver. Thereafter, she had gone to her parental home along with the child and she did not allow him to see the child. Thereafter, mediation



has taken place and both the petitioner and the first respondent had set up an independent house. The petitioner had renewed working as a van driver, but however the first respondent/wife failed to not only discharge the duty as a wife, but also as a mother. The learned counsel would submit that she is under the influence of her mother.

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3.The said allegations were refuted by the first respondent/wife and ultimately by order dated 31.07.2007 the learned Subordinate Judge, Sivakasi, granted divorce. Challenging the said order, the first respondent herein had filed H.C.M.A.No.4 of 2010. Along with the said appeal, she had also filed I.A.No.731 of 2012 for claiming maintenance of a sum of Rs.15,000/- for herself and Rs.10,000/- for her minor son Surendran and Rs.10,000/- as litigation costs. Despite the objection by the revision petitioner herein, the learned Principal District Judge, Virudhunagar, by her order, dated 20.04.2016, was pleased to direct the revision petitioner herein to pay a sum of Rs.1,500/- per month towards maintenance to the first and second respondents herein and litigation cost of Rs.2,000/-. It is this order that is challenged by the revision petitioner herein.

4.Admittedly, the revision petitioner is not maintaining the respondents herein and the second respondent is under the care and custody of the first respondent from his birth. The parties have been litigating since the year 2005 and the maintenance that is now directed to be paid is meagre, especially, considering the present cost of living. However, the respondents have not challenged the order and sought for a higher maintenance amount. The learned counsels have also not able to clarify to the Court as to whether the arrears of maintenance has been paid.

5.Be that as it may, I do not find any reason to interfere with the order of the learned Principal District Judge, Virudhunagar. Accordingly, this Civil Revision Petition is dismissed. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar

cp

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



To:-

The Principal District Judge,
Virudhunagar at Srivilliputhur.

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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-38490[F]dated 14/12/2021)

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SS/28.01.2022/2P/3C