



C.R.P(PD).No.590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.590 of 2022

and

C.M.P.No.3075 of 2022

R.Prabu

... Petitioner

..Vs..

Puspha

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order passed in I.A.No.1 of 2021 in H.M.O.P.No.33 of 2019 on the file of the Sub Court, Nagapattinam.

For Petitioner : Mr.B.Chandran

For respondent : Mr.R.Murugabharathi

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned Sub Judge, Nagapattinam, dated 13.12.2021 made in I.A.No.1 of 2021 in H.M.O.P.No.33 of 2019.



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2.The revision petitioner is the husband and he has filed a petition in H.M.O.P.No.33 of 2019 for restitution of conjugal rights. During the pendency of the same, the respondent/wife has preferred I.A.No.1 of 2021 for granting interim compensation. The learned Sub Judge, Nagapattinam, allowed the petition and ordered to pay a sum of Rs.4,000/- per month as maintenance to the respondent. Aggrieved over this, the revision petitioner has preferred the present petition.

3.The learned counsel for the petitioner submitted that even prior to the proceedings, there was some negotiation held between the parties in which the respondent agreed to get a lumpsum compensation of Rs.6 lakhs and the parties agreed to dissolve the marriage. However, the learned counsel for the petitioner claims the said negotiation as 'Kattapanchayathu' and for which, the revision petitioner did not accept.



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4.The learned counsel for the respondent submitted that it was only a Panchayathu held in the presence of elders and in terms of the compromise, the revision petitioner had paid a partial sum of Rs.3 lakhs and only because he did not pay the rest of the lumpsum, the respondent had chosen to file a petition for interim maintenance.

5.The revision petitioner did not concede to the alleged Pachayathu and he had chosen to file a petition for restitution of conjugal rights. So it is obligatory on him to maintain his wife, during the pendency of the proceedings. If the parties agreed to settle the dispute between them amicably and agreed to part their ways by getting a lumpsum maintenance, it would not have necessitated the respondent to claim interim maintenance. Despite the respondent accepted that he received a partial lump sum of Rs.3 lakhs consequent to a Panchayat, the petitioner denies the same. However this factual matter is for his appreciation of the Family Court Judge during enquiry. The learned Sub Judge, Nagapattinam has considered the status of parties and cost of living and



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other attendant circumstances and awarded a minimal sum of Rs.4,000/- per month as interim maintenance. Hence, I do not find any reason for interference.

6. Accordingly, the Civil Revision Petition is dismissed and the order of the learned Sub Judge, Nagapattinam, dated 13.12.2021 made in I.A.No.1 of 2021 in H.M.O.P.No.33 of 2019, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

14.06.2022

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Index:Yes No

Speaking Order:Yes/No

To

1.The Sub Judge,
Nagapattinam.

2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA,J.

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