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C.R.P(PD).No.910 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.910 of 2022
and C.M.P.No.4631 of 2022

Y.Lavanya

... Petitioner

..Vs..

B.Venkatesan

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to revise the order dated 30.11.2020 and order maintenance from the date of the petition i.e., on 10.07.2018.

For Petitioner : Mr.K.Chandru

For Respondent : Mr.R.Prabakar

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Subordinate Judge, Poonamallee, dated 30.11.2020 passed in I.A.No.464 of 2018 in H.M.O.P.No.301 of 2016 connected with H.M.O.P.No.466 of 2018.



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2. The revision petitioner is the wife, on whose instance, the learned trial Judge has fixed the interim maintenance at the rate of Rs.10,000/- (Rupees Ten Thousand only) per month till the disposal of the case.

3. Learned counsel for the petitioner submitted that the only grievance of the petitioner is that in the order, there is no mention about the date from which the interim maintenance is awarded; despite there is no explicit mention in the order of the interim maintenance that the interim maintenance should be paid from the date of the petition till the disposal of the main case; in view of the above said omission in the order, the respondent/husband takes advantage and claims that the effect of the order of interim maintenance is only from the date of the order i.e., 30.11.2020 and not from the date on which the petition for interim maintenance is filed.

4. Learned counsel for the respondent submitted that the order should be construed that the revision petitioner is entitled to get the



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interim maintenance from the date of the order and not from the date on which the petition for interim maintenance is filed.

5. The prayer of the revision petitioner in the petition is that the monthly maintenance of Rs.25,000/- should be awarded till the date of disposal of the main case and the petition is filed on 10.07.2018. When the learned Family Judge chooses to award interim maintenance till the disposal of the suit, it should only be construed as entitlement of interim maintenance from the date on which the petition was filed i.e., 10.07.2018.

6. Since, the result portion of the order of the learned Family Judge passed in I.A.No.464 of 2018 in H.M.O.P.No.301 of 2016 dated 30.11.2020 is ambiguous with regard to the date from which the interim maintenance starts, the confusion has to be clarified now. It is needless to state that the interim maintenance would only mean the maintenance amount fixed by the Court to be payable to the petitioner till the disposal of the suit and that would naturally run back to the date on which the



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petition seeking interim maintenance is filed. In view of the above stated reasons, I feel that the order of the learned Subordinate Judge, Poonamallee should be modified to avoid the confusion.

7. In the result, this Civil Revision Petition is allowed and the order passed by the learned trial Judge in I.A.No.464 of 2018 in H.M.O.P.No.301 of 2016 dated 30.11.2020 is modified to the effect that the petitioner is entitled to get the interim maintenance of Rs.10,000/- (Rupees Ten Thousand only) per month, from the date of filing of the petition for interim maintenance i.e., 10.07.2018, till the date of the disposal of the main case. The learned Subordinate Judge, Poonamallee is directed to take note of the result of the orders completely to avoid any confusions. Consequently, connected Miscellaneous Petition is also closed. No costs.

27.06.2022

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Index:Yes No

Speaking Order:Yes/No

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To

1. The Subordinate Judge, Poonamallee.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

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