



CRP No.2198 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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and C.M.P.No.14249 of 2019

R.Manivannan

..Petitioner

Vs.

M.Tamilselvi

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the Subordinate Judge at Ranipet, Vellore District, made in I.A.No.37 of 2017 in H.M.O.P.No.13 of 2016 dated 07.08.2017.

For Petitioner : Mr.M.R.Thangavel

For Respondent : No appearance

ORDER

The civil revision petition has been filed as against the fair and decreetal order dated 07.08.2017 passed in I.A.No.37 of 2017 in H.M.O.P.No.13 of 2016 on the file of the Subordinate Judge, Ranipet, Vellore District, thereby allowing the petition filed for monthly maintenance.



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2. The petitioner filed a petition for divorce on the ground of cruelty and adultery. Pending divorce petition, the respondent filed a petition for interim maintenance till the disposal of the divorce petition. The Court below ordered monthly maintenance of Rs.3000/- per month in favour of the respondent and Rs.3000/- per month for her child and also ordered Rs.5000/- towards litigation expenses. The only ground raised by the petitioner is that the respondent already filed a complaint under the Domestic Violence Act in M.C.No.2 of 2016 on the file of the Judicial Magistrate II, Thiruppathur, which was challenged by the petitioner and others in Crl.O.P.No.5168 of 2017. This Court, by an order dated 16.03.2020, quashed the domestic violence complaint as against the other family members, except the petitioner herein.

3. While quashing the complaint, the petitioner was directed to deposit a sum of Rs.5000/- to the credit of M.C.No.2 of 2016, on the file of the Judicial Magistrate Court No.II, Thiruppathur, Vellore District, as ad-interim maintenance till the disposal of the maintenance case. While being so, in the divorce petition the respondent also filed a petition for interim maintenance and the same was allowed. Now, the petitioner is ready and willing to pay monthly maintenance to his daughter to the tune of Rs.3000/- per month.



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4. Considering the facts and circumstances, the order of interim maintenance granted to the respondent alone is set aside. However, the petitioner shall pay a sum of Rs.5000/- as interim maintenance as ordered by this Court in CrI.O.P.No.5168 of 2017 dated 16.03.2020 directly to the respondent on 5th of every English Calender month.

5. Accordingly, the civil revision petition is partly allowed. The trial Court is directed to dispose of the main divorce petition within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Speaking/Non-speaking order
Index : Yes/No
ata

To

The Subordinate Judge,
Ranipet, Vellore District



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