



CRP (MD) No.1812 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP (MD) No.1812 of 2022

and

CMP (MD) No.8157 of 2022

Siva Paramesh

... Petitioner

Vs

Vidya

... Respondent

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 08.07.2022 in IA.No.154 of 2016 in HMOP.No.44 of 2016, on the file of the Sub Court, Valliyur and set aside the same.

For Petitioner : Mr.VR.Shanmuganathan

For Respondent : Mr.B.Deepa

ORDER

This Civil Revision Petition is filed as against the order dated 08.07.2022 in IA.No.154 of 2016 in HMOP.No.44 of 2016 passed by the learned Sub Judge, Valliyur.



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2.The petitioner husband has filed a petition in HMOP.No.44 of 2016 for dissolution of marriage on the ground of cruelty. In that petition, the respondent / wife has filed an application in IA.No.154 of 2016 seeking interim maintenance and it was disposed on 08.07.2022 directing the petitioner to pay a sum of Rs.20,000/- as interim maintenance to the respondent/ wife. Aggrieved over the same, the present civil revision petition is filed.

3.The learned Counsel for the petitioner submits that the trial Court without ascertaining the income of the petitioner has ordered for interim maintenance of Rs.20,000/- and due to covid-19 pandemic he has lost his employment and he is now jobless and therefore, it is very difficult for him to pay such amount. He further submits that though the application was filed in the year 2016, it was ordered in the month of July 2022, only because of the respondent, whos was staying in Mumbai and he was always ready for earlier disposal of the application and therefore, for no fault of him, he should not be penalised to pay the maintenance from the date of petition.



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4.The learned Counsel for the respondent submits that the respondent is not having sufficient means to lead her life and the petitioner has not paid any arrears of amount and therefore, the petition is liable to be dismissed.

5.The petitioner has filed the above HMOP for dissolution of marriage on the ground of cruelty. Though the application was filed in the year 2016, it is pending and the wife has filed an application for interim maintenance in IA.No.154 of 2016 seeking a sum of Rs.50,000/- and the Court has awarded a sum of Rs.20,000/- as interim maintenance. This is only an interim arrangement. Therefore, this Court is inclined to modify the order. The petitioner shall pay a sum of Rs.10,000/- [Rupees Ten Thousand] to the respondent every month instead of Rs.20,000/-. Though the application was filed for interim maintenance on 23.11.2016 and the same was ordered only on 08.07.2022, however, from the date of the petition. The petitioner claims that it is only at the instance of the respondent, the petition was delayed and there is no fault on his part. This Court is not inclined to accept the submission of the petitioner,



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since it is well settled that the wife is entitled for maintenance from the date of petition. However this Court considering that the order was passed on 08.07.2022, the petitioner is permitted to pay the arrears of amount as modified above in four equal monthly installments, commencing from 05.12.2022. Considering that the proceedings in HMOP was filed in the year 2016, the trial Court shall dispose it of within a period of five months from the date of receipt of a copy of this order.

7.The Civil Revision Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

08.11.2022

dsk

To

The Sub Judge,
Valliyur.



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B. PUGALENDHI, J.

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