



CRP(MD)No.1867 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM:

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

CRP(MD)No.1867 of 2022
and
CMP(MD)No.8396 of 2022

N.Nandakumar

: Petitioner

Vs.

A.Sathya

: Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the fair and decreetal order dated 13.08.2021 passed in IA.No.63 of 2018 in HMOP.No.2 of 2018 on the file of the Sub Court, Tiruchendur and quash the same.

For Petitioner : Mr.M.P.Senthil

ORDER

The petitioner before this Court is the husband and the respondent is the wife. Their marriage was solemnized on 25.03.2012. After some years the relationship between the parties got strained and the petitioner has filed HMOP.No.2 of 2018 before the Sub Court, Tiruchendur, seeking divorce. Pending



the application, the respondent has filed IA.No.63 of 2018 seeking interim maintenance and the same was allowed by the trial Court, vide order dated 13.08.2021, directing the petitioner to pay a sum of Rs.5000/- per month to the respondent pending the proceedings in HMOP.No.2 of 2018. Aggrieved over the same, the petitioner has moved the instant revision.

2.The contention of the petitioner is that he is not having sufficient earnings and source to pay Rs.5000/- every month and without ascertaining the same, the trial Court has passed the order.

3.This Court feels that the amount fixed by the trial Court, viz., Rs.5000/- per month is reasonable. The trial Court has fixed this amount so as to enable the respondent to contest the HMOP application filed by the petitioner. On a query posed by this Court as to the payment of this amount, the learned Counsel appearing for the petitioner submitted that the petitioner has not paid any amount towards maintenance, so far, pursuant to the order of the trial Court.

4.Under such circumstances, this Court is not inclined to interfere with the order of the trial Court. However, considering the fact that the HMOP, which is of



CRP(MD)No.1867 of 2022

the year 2018, is still pending, there shall be a direction to the trial Court to expedite the proceedings and conclude the same, on merits and in accordance with law, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

In fine, this civil revision petition stands disposed of. No costs.
Consequently, connected miscellaneous petition stands closed.

Index : Yes / No
Internet : Yes
gk

27.09.2022

To

The Subordinate Judge,
Tiruchendur.



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CRP(MD)No.1867 of 2022

B.PUGALENDHI, J.

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CRP(MD)No.1867 of 2022

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