



CRP(PD)(MD)No.2001 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

C.M.P.(MD)No.9185 of 2022

A.Maria Antony Joseph

... Petitioner

versus

Amali

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 08.07.2022 made in I.A.No.213 of 2018 in I.D.O.P.No.82 of 2017 on the file of the Principal District Court, Thoothukudi.

For Petitioner : Mr.V.Malaiyendran

ORDER

This Civil Revision Petition is filed against the order dated 08.07.2022 made in I.A.No.213 of 2018 in I.D.O.P.No.82 of 2017 on



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the file of the Principal District Court, Thoothukudi.

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2. The petitioner herein is the husband. He filed I.D.O.P.No.82 of 2017 before the Principal District Court, Thoothukudi, seeking dissolution of marriage. Pending the petition, the respondent/wife filed an interlocutory application in I.A.No.213 of 2018 seeking a direction to the petitioner/husband to pay a sum of Rs.20,000/- towards interim maintenance. Considering the facts and circumstances of the case, the trial Court, by order dated 08.07.2022, partly allowed the said application and directed the petitioner to pay a sum of Rs.5000/- to the respondent towards interim maintenance till the disposal of I.D.O.P.No. 82 of 2017. Aggrieved over the same, the present Civil Revision Petition is filed.

3. The learned counsel appearing for the petitioner submits that in view of the divorce petition filed by the petitioner, he was not allowed to enter into the sea for fishing by the villagers and therefore,



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he is not having income to meet out his day-to-day expenses and he is also not having any residence in his village. He further submits that the respondent is working in a private Company and she is also earning sufficient income. Therefore, there is no necessity to pay interim maintenance to the respondent.

4. This Court considered the submissions made by the learned counsel appearing for the petitioner and also perused the materials available on record.

5. The petitioner filed I.D.O.P.No.82 of 2017 in the year 2017. According to him, it is ripe for trial. Now, the petitioner is having grievance with regard to the order passed by the trial Court in I.A.No. 213 of 2018 filed by the respondent. The order passed by the trial Court in I.A.No.213 of 2018 is an interim maintenance, enabling the respondent to contest her case effectively before the trial Court. Further, the quantum of interim maintenance fixed by the trial Court is



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only a sum of Rs.5,000/-. Admittedly, the respondent is also having a child and the child is also in her custody. Therefore, this Court is not inclined to interfere with the order passed by the trial Court.

6. Accordingly, the Civil Revision Petition is dismissed. However, considering the grievance of the petitioner, the trial Court is directed to conclude the proceedings in I.D.O.P.No.82 of 2017 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No.
Internet: Yes / No.
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To

The Principal District Court,
Thoothukudi.



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B.PUGALENDHI, J.

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