



CRP(PD)(MD)No.2173 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

CORAM:

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

CRP(PD)(MD)No.2173 of 2022 and  
CMP(MD) No.10098 of 2022

C.Deivendran ... Petitioner

Vs

1.Jeya  
2.Monisha ... Respondents

**Prayer:** Petition filed under Article 227 of the Constitution of India, to set aside the order dated 24.08.2015 in I.A.No.44 of 2013 in H.M.O.P.No.259 of 2010, on the file of the learned Principal Subordinate Court, Dindigul.

For Petitioner : Mr.A.Jeyaram

### **ORDER**

This Civil Revision Petition is filed challenging the interim maintenance granted by the Principal Subordinate Judge, Dindigul in I.A.No.44 of 2013 in H.M.O.P.No.259 of 2010, dated 24.08.2015.



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2.The petitioner filed the above H.M.O.P No.259 of 2010 before the Principal Subordinate Court, Dindigul for divorce. Pending this petition, the respondents have filed an interlocutory application in I.A.No.44 of 2013 for interim maintenance that they do not have any means for contesting the case. The trial Court by its order dated 24.08.2015 allowed the application, directing the petitioner herein to pay a sum of Rs.3,000/- each to the respondents till the disposal of H.M.O.P No.259 of 2010. Aggrieved over the same, the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner submits that the first respondent is leading an adultery life and is also having an agricultural land and earning considerable income and the second respondent has attained the age of 18 years at the time of petition and now she got married with one Malleskumar. On the contrary, the petitioner has no means to pay the maintenance as he is working as



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cooly and getting Rs.300/- per day, with which, he has to meet out his expenses. The trial Court has passed the order in a mechanical manner without considering these material facts before deciding the issue.

4.This Court considered the submission made on behalf of the petitioner and also perused the materials placed on record.

5.The petitioner filed the H.M.O.P No.259 of 2010 before the Principal Subordinate Court, Dindigul for divorce and the same is pending for the last 12 years. Pending the petition, the respondents filed I.A.No.44 of 2013 for interim maintenance for their survival and for conducting the case. The trial Court considered the facts and circumstances of the case passed an order, directing the petitioner to pay a sum of Rs.3000/- to the first respondent and Rs.3,000/- to the second respondent. Though the petitioner claims that the second respondent daughter is married with one Malleshkumar, no materials



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have been placed to prove the same. If the petitioner can collect any material to prove that the second respondent got married, it is always open to him to place the same before the trial Court with proper application.

6.Considering the fact that the maintenance amount awarded by the trial Court is very meagre, this Court is not inclined to entertain this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. 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 Subordinate Court, Dindigul

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**B.PUGALENDHI, J.**

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**Order made in**  
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