



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

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THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P(MD)Nos.473 and 474 of 2017

and

C.M.P(MD) Nos.2280 and 2281 of 2017

C.R.P(MD)No.473 of 2017

T.Mohan

... Petitioner

Vs.

C.Mabel Deva Geetha Kumari

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to revise the order of the learned District Judge, Kanyakumari Division at Nagercoil dated 16.09.2016 made in I.A.No.2 of 2016 in IDOP No.430 of 2014 of directing the petitioner to pay Rs.25,000/- as litigation expenses forthwith to the respondent herein.

C.R.P(MD)No.474 of 2017

T.Mohan

... Petitioner

Vs.

C.Mabel Deva Geetha Kumari

... Respondent

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to revise the order of the learned District Judge, Kanyakumari Division at Nagercoil dated 16.09.2016 made in I.A.No.3 of 2016 in IDOP No.430 of 2014 of directing the petitioner to pay Rs.5,000/- per month as maintenance forthwith to the respondent herein.

For Petitioner : Mr.S.Palanivelayutham
(in both petitions)

For Respondent : Mr.H.Thayumanaswamy
(in both petitions)



COMMON ORDER

The husband is the revision petitioner in both civil revision petitions. CRP(MD) No. 473 of 2017 is filed challenging the order passed in I.A.No.2 of 2016 in IDOP No.430 of 2014. CRP (MD) No.474 of 2017 is filed challenging the order passed in IA No.3 of 2016 in the same IDOP. I.A.No.2 of 2015 is filed by the respondent/wife seeking a direction to the revision petitioner herein to pay a sum of Rs.25,000/- as litigation expenses. I.A.No.3 of 2015 is filed for direction to the revision petitioner to pay an interim alimony of Rs.10,000/- per month.

2.The brief facts are as follows:-

(i) The husband had filed IDOP No.430 of 2014 on the file of the learned District Judge, Kanyakumari Division at Nagercoil for dissolution of the marriage solemnized between him and the respondent on 23.02.2009. Pending the proceedings, two interlocutory applications have been moved by the respondent/wife stating that the revision petitioner had deserted her and she is a physically challenged woman having no source income. In fact, in her affidavit filed in support of these applications, the respondent/wife has set out how she is finding it difficult to sustain herself. On the contrary, the petitioner is financially well-off and he is legally bound to maintain her. She had therefore taken out these applications for interim alimony as well as for litigation expenses.

(ii) The learned District Judge, Kanyakumari Division at Nagercoil by order dated 16.09.2016 was pleased to allow I.A.No.2 of 2016 as prayed for and directing the revision petitioner to pay the entire sum as claimed. As regards I.A.No.3 of 2016, the learned Judge directed the revision petitioner to pay a monthly sum of Rs.5,000/- to the petitioner. Challenging the same, the revision petitioner is before this Court.

3.Heard the learned counsel appearing on either side and perused the records.

4.The records would show that from the year 2009, the respondent has been living separately and no maintenance is being paid by the petitioner. The revision petitioner is legally bound to maintain his wife. The respondent has clearly set out the difficulty that she is facing to maintain herself. The learned Judge has taken into account the fact that the revision petitioner as the husband has failed in his duty to maintain the wife. Though a demand for monthly maintenance of Rs.10,000 has been made, the learned Judge has only ordered a sum of Rs.5,000/-, which, in today living conditions, is to say the least, paltry. However, the wife has not challenged the quantum.



5. In these circumstances, I do not find any reasons to interfere with the orders passed by the learned District Judge, Kanyakumari Division at Nagercoil. It appears that to date the maintenance has not been paid to the respondent/wife. It is needless to state that the learned District Judge shall proceed to hear IDOP, only if the interim order for payment of maintenance is complied with.

6. In the result, these civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

The District Judge,
Kanyakumari Division at Nagercoil.

+1 CC to M/s.H.THAYUMANASWAMY, Advocate (SR-2109[F] dated 21/01/2022)

C.R.P(MD)Nos.473 and 474 of 2017

and

C.M.P(MD) Nos.2280 and 2281 of 2017

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