



WEB COPY



CRP. No. 1530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1530 of 2023
CMP Nos. 10083 & 20267 of 2023

Presitha

...Petitioner

Vs.

Sumod Kumar

....Respondent

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the order dated 21.09.2022 in I.A No. 1 of 2019 in HMOP No. 8 of 2019 on the file of the II Additional sub court, Coimbatore.

For Petitioner : Mr.Balan Haridas

For Respondent: Mr.D.Murugan

ORDER

This petition has been filed to set aside the order dated 21.09.2022 in I.A No. 1 of 2019 in HMOP No. 8 of 2019 on the file of the II Additional sub court, Coimbatore.



CRP. No. 1530 of 2023

2. The petitioner herein filed I.A No. 1 of 2019 in HMOP No. 8 of 2019 before the Trial Court to direct the respondent to pay interim maintenance at the rate of Rs.75,000/- per month. After considering the submissions on either side, the Court below dismissed the said petition stating that the petitioner is having sufficient source of income. Challenging the same the petitioner filed this petition.

3. The learned counsel for the petitioner submits that the petitioner is living with her daughter without any source of income but the respondent is failed to maintain the petitioner as well as child all these years without appreciating the above. The Trial Court dismissed the petition filed by the petitioner for maintenance. Hence, the petitioner prays to allow this petition.

4. On perusal of the available records, it reveals that the Trial Court dismissed the petition filed by the petitioner for maintenance stating that the petitioner is having sufficient source of income. But, the petitioner stated that she is living with her child without source of income. However, this Court is of the view that the father/respondent is bound to maintain his child. Hence, the set aside the order passed by the Trial Court in I.A No. 1 of 2019 in HMOP No. 8 of 2019 and this Court is inclined to remand this matter back to the Trial Court for fresh consideration and both parties are



CRP. No. 1530 of 2023

directed to adduce their evidence. Further, the Trial Court is directed to dispose of the I.A No. 1 of 2019 in HMOP No. 8 of 2019 on merits within a period of six weeks from the date of receipt of a copy of this order and thereafter proceed with main petition.

5. In the result, this Civil Revision Petition is disposed of. No Costs. Consequentially, connected miscellaneous petitions are closed.

21.12.2023

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To

The II Additional sub court, Coimbatore.



WEB COPY



CRP. No. 1530 of 2023

T.V.THAMILSELVI,J.

Pbl

CRP No. 1530 of 2023
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