



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-01-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CRP No.1973 of 2022

And

CMP Nos.10015 and 10017 of 2022

K.Thamilventhan

... Petitioner

vs.

S.Selvanayagi

... Respondent

The Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the learned Subordinate Judge, Mettupalayam, Coimbatore District pertaining to the order passed in IA No.1 of 2021 in HMOP No.8 of 2020 dated 30.03.2022 and set aside the same in directing the petitioner herein to pay a sum of Rs.5,000/- every month to the respondent herein on or before 10th of every month as maintenance and it is further directed that the petitioner shall pay the said amount of Rs.5,000/- every month from the date of filing of the present Civil Revision Petition till the disposal of the above HMOP No.8 of 2020



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apart from paying expenses incurred in this case to a sum of Rs.15,000/-.

For Petitioner : Mr.T.Shanmugam

For Respondent : Ms.M.Samantha

ORDER

The present Civil Revision is filed challenging the order passed by the learned Subordinate Judge, Mettupalayam, Coimbatore District in IA No.1 of 2021 in HMOP No.8 of 2020 dated 30.03.2022.

2. The marriage between the petitioner and the respondent was solemnised on 08.03.2019 as per the Hindu Rites and Customs. Due to misunderstanding between the petitioner and the respondent, they are now living separately.

3. The petitioner-husband filed HMOP No.8 of 2020 for dissolution of marriage, which is now pending on the file of the Sub Court at Mettupalayam, Coimbatore District.



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4. The respondent-wife filed an Interlocutory Application in IA No.1 of 2021 seeking Interim Maintenance. Since the respondent is unemployed and is depending on her parents for her livelihood, the Trial Court adjudicated the issues and granted Interim Maintenance of Rs.5,000/- per month to the respondent-wife. Challenging the said order, the present Civil Revision Petition is filed.

5. The learned counsel for the petitioner states that the petitioner-husband is also earning meagre amount, which is not sufficient to meet out his own expenditures. Thus the petitioner is not in a position to pay the Interim Maintenance.

6. The fact remains that the petitioner-husband is employed and the respondent-wife is unemployed and living along with her parents. The Interim Maintenance was granted by the Court to protect the livelihood of the respondent-wife. While-so, the petitioner-husband cannot deny the Interim Maintenance to the respondent-wife, more specifically, during the pendency of the matrimonial disputes between the parties.



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7. During the course of arguments, the learned counsel for the respondent contended that the respondent-wife is not even in a position to spend the travel expenditures to contest the divorce case filed by the petitioner-husband in HMOP No.8 of 2020 pending on the file of Sub Court at Mettupalayam, Coimbatore District and therefore, arrears of maintenance as per the order passed in IA No.1 of 2021 is also to be settled.

8. In this regard, the learned counsel for the petitioner states that arrears amount in part has already been settled and a sum of Rs.45,000/- is to be paid towards arrears of maintenance. The petitioner, who is present before this Court, undertakes that he will deposit the arrears of maintenance amount of Rs.45,000/- on or before 09.02.2023, the date on which the case was listed for hearing before the Trial Court.

9. As far as the present Civil Revision Petition is concerned, this Court do not find any infirmity in respect of the Interim Maintenance fixed by the Trial Court, which is reasonable and therefore, there is no reason to modify the Interim Maintenance or otherwise the maintenance amount ordered to be paid punctually by the petitioner as per the order



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passed in IA No.1 of 2021. The arrears of maintenance of Rs.45,000/- is directed to be paid to the respondent-wife on or before 09.02.2023. The respondent-wife is permitted to withdraw the deposited amount and the monthly maintenance is directed to be paid on or before the 10th day of every English calendar month without any default by the petitioner. The Trial Court is requested to dispose of the matter as expeditiously as possible.

10. With the abovesaid directions, the present Civil Revision Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

25-01-2023

Svn
Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order

To

The Sub Judge,
Sub Court at Mettupalayam,
Coimbatore District.



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S.M.SUBRAMANIAM, J.

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