



C.R.P. No. 2030 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2023

CORAM :

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P. No. 2030 of 2023

and

C.M.P.No.12698 of 2023

G. Balaji

...Petitioner

.Vs.

Mrs. H. Kalaiyarasi

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair order and decree dated 07.02.2023 passed in I.A.No.01 of 2021 in H.M.O.P.No. 103 of 2019 on the file of Hon'ble Court, Ranipet and pass orders.

For Petitioner

: Mr. R. Bhawat Krishna



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ORDER

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This petition is filed to set aside the Fair order and decree dated 07.02.2023 passed in I.A.No.01 of 2021 in H.M.O.P.No. 103 of 2019 on the file of Hon'ble Court, Ranipet.

2. The facts of the case is that the petitioner married the respondent on 21.08.2017 in sub-registrar office, Walaja. Due to the said wedlock one child was born to them. Thereafter, the petitioner herein suspected the paternity of the child, due to which he filed a H.M.O.P.No 103 of 2019 on the ground of cruelty before the Sub ordinate Judge, Ranipet. The respondent filed I.A.No.1 of 2021 in H.M.O.P.No.103 of 2019 seeking monthly maintenance to herself and her child and the learned Judge passed an order on 07.02.2023 directing the petitioner herein/husband to pay maintenance of Rs.4,500/- per month and to pay a sum of Rs.5,000/- as litigation expenses and the maintenance amount shall be paid on or before 5th day of every English calender month till the disposal of the main petition. Aggrieved over the same the petitioner has come up with this petition.



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3. The learned counsel for the petitioner submitted that the petitioner married the respondent under coercion and compulsion and even though they lived under one roof they have not lived as husband and wife. The fact remains that the petitioner was abducted by the respondent's parents with an intention to marry the respondent. He further submitted that as the marriage itself is not a valid one, the question of maintenance does not arise. Hence prays to allow this petition.

4. On a perusal of records it is seen that the petitioner married the respondent and gave birth to a child in the year 2017 and he has filed the H.M.O.P only in the year 2019 belatedly. Even assuming that the petitioner married the respondent under coercion what prevented him to file the H.M.O.P immediately after the marriage. Further more the learned Judge has passed only an interim order in I.A.No.1 of 2021 in H.M.O.P.No.103 of 2018 and the same is not final and the petitioner has challenged the same before this Court.



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5. In view of the above, it is made clear that there is no merit in the submissions of the learned counsel for the petitioner and the order passed by the Sub ordinate Judge, Ranipet in I.A.No.1 of 2021 in H.M.O.P.No.103 of 2018 does not call interference and the same is hereby confirmed. Accordingly, this Civil Revision petition is dismissed . No order as to costs. Consequently the connected miscellaneous petition is closed.

04.07.2023

smn

Index : Yes/No

Internet: Yes/No

To.

1. The Sub Ordinate Judge at Ranipet



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V.BHAVANI SUBBAROYAN,J.
Smn

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