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C.R.P.No.2922 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2922 of 2019

Periyasamy Krishnan

....

Petitioner

Vs

Sangeetha

....

Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order in I.A.No.09 of 2019 in H.M.O.P.No.100 of 2018 dated 11.04.2019 on the file of the Subordinate Judge, Omalur.

For Petitioner : Mr.M.Padma Rajagopalan
for K.Sathish Kumar

For Respondent : Mr.T.Ganesan

ORDER

This Civil Revision Petition has been filed to set aside the docket order dated 11.04.2019 in I.A.No.09 of 2019 in H.M.O.P.No.100 of 2018 on the file of the Subordinate Judge, Omalur, thereby ordering interim maintenance of Rs.15,000/- per month and Rs.5,000/- for legal expenses.



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2. The petitioner is the husband and the respondent is the wife.

They got married on 15.09.2011. Due to their wedlock, they gave a birth to male child. Thereafter, due to misunderstanding, they got separated and are living separately. Therefore, the respondent and her child could not maintain themselves. In the meanwhile, the petitioner filed a petition for divorce on the ground of cruelty. Pending divorce petition, the respondent filed a petition for interim maintenance.

3. A perusal of the affidavit filed in support of the interim maintenance stating that the petitioner is working in Dubai and he is receiving monthly salary of Rs.1,50,000/-. Therefore, the respondent sought for maintenance of Rs.20,000/- for herself and another sum of Rs.20,000/- for her minor son. Though the respondent averred in the affidavit, no document was filed in order to substantiate the same. Even then the Court below ordered interim maintenance of Rs.15,000/- payable to the respondent without any speaking order.

4. Now, the learned counsel for the petitioner would submit that



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due to COVID-19, his employment was terminated by the employer of Dubai and now he is living in India and the divorce petition is also still pending.

5. Considering the above facts and circumstances of the case, this Court is inclined to reduce the interim maintenance of Rs.15,000/- to Rs.5,000/- payable by the petitioner to the respondent, till the disposal of the divorce petition filed by the petitioner. However, the Trial Court is directed dispose of the divorce petition in H.M.O.P.No. 100 of 2018 within a period of six months from the date of receipt of a copy of this order, if not already disposed of.

6. With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs.

11.01.2023

Index:Yes/No
Internet:Yes/No
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G.K.ILANTHIRAIYAN, J.



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To
The Subordinate Judge,
Omalur.

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