



C.R.P.No.2765 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

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

C.R.P.No.2765 of 2019

and

C.M.P.No.18147 of 2019

P.Thirunavukkarasu

....

Petitioner

Vs

P.Archana

....

Respondent

**Prayer** :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order dated 23.07.2019 made in I.A.No.164 of 2017 in H.M.O.P.No.87 of 2016 on the file of the Sub Judge, Tiruppattur.

For Petitioner : Mr.V.Jeevagiridharan

For Respondent : No appearance

**ORDER**

This Civil Revision Petition has been filed to set aside the order dated 23.07.2019 made in I.A.No.164 of 2017 in H.M.O.P.No.87 of 2016 on the file of the Sub Judge, Tiruppattur, thereby ordering interim maintenance of Rs.5,000/- in favour of the child and Rs.10,000/- in



C.R.P.No.2765 of 2019

favour of the respondent till the disposal of the main divorce petition.

2. The revision petitioner is husband and the respondent is wife and they got married and gave birth to a female child. Due to misunderstanding, the respondent is living separately. The petitioner was working in Military. Even before his employer/military, she has filed a petition seeking maintenance. The petitioner's employer ordered maintenance of Rs.14,100/- per month in favour of the respondent. In the year 2017, the petitioner retired from service. Suppressing the said fact, the respondent filed an application for interim maintenance on 09.11.2017 in I.A.No.164 of 2017. The Trial Court ordered interim maintenance of Rs.5,000/- in favour of their minor child and Rs.10,000/- in favour of the respondent as interim maintenance, till the disposal of the main divorce petition. The petitioner filed petition for divorce on the ground of cruelty and it is pending. Now, he had retired from service and as such, he is not able to pay such huge amount of Rs.15,000/- per month, since he is receiving only Rs.17,000/- per month as monthly pension.



C.R.P.No.2765 of 2019

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3. Though notice has been served on the respondent and her name is printed in the cause list, there is no representation for the respondent either in person or through counsel.

4. Considering the facts and circumstances of the case, this Court is inclined to reduce the maintenance payable by the petitioner. Accordingly, the petitioner is directed to pay a sum of Rs.2,500/- to the respondent and Rs.2,500/- to the minor child as interim maintenance, till the disposal of the divorce petition. The Trial Court is directed to dispose of the divorce petition in H.M.O.P.No.87 of 2016 within a period of six months from the date of receipt of a copy of this order. It is made clear that the respondent is entitled for interim maintenance only from the date of the order of interim maintenance.

04.01.2023

Index:Yes/No  
Internet:Yes/No  
Lpp  
To

The Subordinate Judge,  
Tiruppattur.



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C.R.P.No.2765 of 2019

**G.K.ILANTHIRAIYAN, J.**

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C.R.P.No.2765 of 2019

04.01.2023