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CRP.No.2905 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2905 of 2019 and  
CMP.No.18835 of 2019

Santhoshkumar

... petitioner

Vs.

Madhaviammu

... Respondent

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 25.03.2019 made in IA.No.15 of 2015 in HMOP.No.56 of 2014 on the file of the Subordinate Court, Chidambaram and to allow the civil revision petition.

For Petitioner : Mr.C.Prabakaran

For Respondent : Ms.T.Lavanya

### ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 25.03.2019 made in IA.No.15 of 2015 in HMOP.No.56 of 2014 on the file of the Subordinate Court, Chidambaram, thereby ordered for interim maintenance of Rs.10,000/- per month payable by the petitioner till the disposal of the divorce petition and also ordered for Rs.5,000/- as cost.

2. Heard the learned counsel appearing on either side.



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The petitioner is the husband and the respondent is the wife. They got married on 12.09.2003 and the petitioner is working as CRP Police and while being so, due to misunderstanding between them, they got separated and the respondent went to her parents' house. She used to lodge false complaint as against the petitioner in order to cause damage to his employment. Therefore, the petitioner filed petition for divorce on the ground of cruelty in HMOP.No.56 of 2014. While pending the divorce petition, the respondent / wife filed application seeking interim maintenance of Rs.10,000/- per month and also for cost of Rs.10,000/-. The petitioner had taken specific stand that the respondent got married with another person and gave birth to a child. He also obtained certificate from the Village Administrative Officer concerned that the respondent and her newly married husband are living together. That apart, she has already completed M.Sc., B.Ed. and she is working as Teacher. Admittedly, the petitioner is working as CRP Police(Constable) and he is drawing only Rs.30,000/- per month, that too after deduction, he is receiving only Rs.15,000/- as net salary. However, the petitioner also failed to produce any material evidence before the trial court to show that the respondent got married with another person. Now, she is living with that person and gave birth to a male child.



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4. Considering the above facts and circumstances of the case, this Court is inclined only to reduce the interim maintenance from Rs.10,000/- to Rs.2,500/- per month to the respondent. Accordingly, the order dated 25.03.2019 made in IA.No.15 of 2015 in HMOP.No.56 of 2014 on the file of the Subordinate Court, Chidambaram is modified to the effect that the petitioner shall pay interim maintenance of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) per month to the respondent till the disposal of the divorce petition. However, the other portion of the order shall remain intact. Further, the trial court is directed to dispose of the divorce petition within a period of six months from the date of receipt of copy of this order, if not already disposed of.

5. In the result, this civil revision petition stands partly allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Speaking/non-speaking  
Index : Yes/No  
Internet : Yes  
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**G.K.ILANTHIRAIYAN, J.**

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To  
The Subordinate Court,  
Chidambaram

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