



C.R.P(MD).Nos.746 and 97 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).Nos.746 & 97 of 2023

C.R.P(MD).No.746 of 2023

Murugalakshmi ... Petitioner/Petitioner/Respondent

Vs.

Kamaraj ... Respondent/Respondent/Petitioner

COMMON PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 07.09.2022 passed by the Learned Subordinate Court, Kovilpatti in I.A No.69 of 2021 in H.M.O.P No.108 of 2021 and allow the petition in I.A No.69 of 2021 in H.M.O.P No.108 of 2021, on the file of the Learned Subordinate Judge, Kovilpatti.

For petitioner : Mr.M.Musthafakhan
For respondent : Mr.J.Mahesh Kumar

C.R.P(MD).No.97 of 2023

Murugalakshmi ... Petitioner/Petitioner/Respondent

Vs.

Kamaraj ... Respondent/Respondent/Petitioner



C.R.P(MD).Nos.746 and 97 of 2023

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 07.09.2022 passed by the Learned Subordinate Court, Kovilpatti in I.A No.69 of 2021 in H.M.O.P No.108 of 2021 and allow the petition in I.A No.69 of 2021 in H.M.O.P No.108 of 2021, on the file of the Learned Subordinate Judge, Kovilpatti.

For petitioner : Mr.M.Musthafakhan
For respondent : Mr.J.Mahesh Kumar

C.R.P(MD).No.97 of 2023

Kamaraj ... Petitioner/Respondent/Petitioner
Vs.
Murugalakshmi ... Respondent/Petitioner/Respondent

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A No.69 of 2021 in H.M.O.P No.108 of 2021 dated 07.09.2022 on the file of the Subordinate Judge, Kovilpatti by allowing this Civil Revision Petition.

For petitioner : Mr.J.Mahesh Kumar
For respondent : Mr.M.Musthafakhan

COMMON ORDER

These Civil Revision Petitions have been filed by the petitioners in both petitions to set aside the fair and decretal order passed by the Subordinate Judge, Kovilpatti, in I.A No.69 of 2021 in H.M.O.P No.108 of 2021 dated 07.09.2022. CRP(MD)No.746 of 2023 has been filed by the wife. CRP(MD)No.97 of 2023 has been filed by the husband.



2. By this common order, both the Civil Revision Petitions are being disposed of.

3. By the impugned order dated 07.09.2021, the Sub Court, Kovilpatti has ordered an interim maintenance amount of Rs.12,000/- per month payable by the husband to the wife and the minor child.

4. It is the case of the wife that the husband is a gainful employee and working as a Assistant Professor at MEPCO Engineering College, Sivakasi. The husband has secured an interim order from this Court in CRP(MD)No.97 of 2023 on 19.01.2023 by substantiating the material fact. It is submitted that in DVC proceedings initiated by the wife in DVC.No.2 of 2022, the husband admitted that he is working as Assistant Professor in the said college.

5. On the other hand, it is the case of the husband that the wife has sent a indiscriminate letter to the College. Due to that, the College has terminated the husband from his employment. Thereafter, due to sought of faculty in the college, they have allowed him to work. Thus, continue to work in that college as a Assistant Professor and his service can be terminated at any point of time. Pursuant to the order of this Court, the husband has also paid a sum



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of Rs.70,000/- towards arrears of interim maintenance. It is informed that the wife is also working as a teacher and she is earning a sum of Rs.7,360/-. The fact remains that the husband has filed HMOP.No.108 of 2021 to annul the marriage solemnized between the petitioner and the respondent on 17.02.2016.

6.It appears that the minor child, who is approximately aged about 5 years requires certain medical attention. In my view, both the husband and the wife are required to not only take care of each other but also the minor child. The wife is admittedly earning only a sum of Rs.7,360/-, whereas, the respondent/husband is working as a Assistant Professor in MEPCO Engineering College, Sivakasi. The amount that has been awarded towards maintenance i.e., Rs.12,000/- appears to be meagre.

7.Therefore, there shall be a direction to the husband i.e., the petitioner in CRP(MD)No.97 of 2023 the respondent in CRP(MD)No.746 of 2023 to pay a sum of Rs.17,500/- as interim maintenance. This amount shall be paid from the date of institution of I.A.No.69 of 2021 till the disposal of HMOP.No.108 of 2021.



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8. In case, any medical expenses are to be incurred for medical condition of the second petitioner in CRP(MD)No.746 of 2023, it is always open for the first petitioner to file appropriate application together with necessary documents to substantiate the same.

9. With the above observation, CRP(MD)No.746 of 2023 is disposed of and CRP(MD)No.97 of 2023 is dismissed. No costs.

20.04.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

1. The Subordinate Judge,
Kovilpatti.
2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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