

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.753 of 2023
and
C.M.P(MD)No.3539 of 2023

Atchuthakannan

...Petitioner/Respondent/
Petitioner

Vs.

Vanshala

... Respondents/Respondents/
Defendants 1 and 3

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 20.01.2023 passed in I.A.No.1 of 2022 in H.M.O.P.No.4 of 2022 on the file of the Learned Sub Court, Valliyoor.

For Petitioner : Mr.A.Arumugam

ORDER

The petitioner is the respondent before the Sub Court, Valliyoor in I.A.No.1 of 2022. H.M.O.P.No.4 of 2022 filed by the petitioner to dissolve the marriage with the respondent.

2. It is the specific case of the petitioner that the Trial Court has ordered Rs.7,000/- (Rupees Seven Thousand only) as interim compensation without pleading by the respondent regarding her incapacity to maintain herself. That apart, it is submitted that in Paragraph 10, the learned Sub Judge has wrongly noted that there was oral concession by the counsel. Hence, it is submitted that the impugned order passed by the trial Court is liable to be set aside.

3. I have considered the arguments advanced by the learned counsel for the petitioner.

4. The case of the respondent appears to be that the petitioner is earning a sum of Rs.1,10,000/- whereas it is the case of the respondent that the petitioner is a coolie and has no means to support the respondent.

5. It is noted that the petitioner and the respondent have also two children, who are now under the custody of the respondent. The amount that has been ordered as an interim maintenance as against Rs.30,000/- a claim of the respondent requires no interference at the behest of the petitioner.

6. Considering the fact that the petitioner has filed H.M.O.P.No.4 of 2022 before the Sub Court Valliyoor, the Court is inclined to dismiss the present Civil Revision Petition with a direction to the learned Sub Court, Valliyoor to bring closure between the parties in H.M.O.P.No.4 of 2022 as expeditiously as possible on merits preferably within a period of 12 months from the date of receipt of copy of this order.

7. The Present Civil Revision Petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2023

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

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To

1. Sub Court, Valliyoor.

2..The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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C.SARAVANAN,J.

SN

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