



C.R.P.(MD).No.2627 of 2014 (PD)

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).(PD).No.2627 of 2014

and

MP(MD).No.1 of 2014

S.Suryan

... Petitioner

-VS-

S.Gandhimathi

... Respondent

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to call for the records relating with the fair order and ex-order dated 11.10.2014 made in I.A.No.25 of 2013 in HMOP.No.117 of 2012 on the file of the Subordinate Judge, Uthamapalayam and set aside the same.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.S.Ramasamy

ORDER

The present revision petition has been filed by the husband challenging the order of interim alimony granted by the Subordinate Court, Uthamapalayam in HMOP.No.117 of 2012.



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2.The revision petitioner herein had filed HMOP.No.117 of 2012 seeking the relief of divorce. Pending the said petition, the wife had filed I.A.No.25 of 2013 seeking interim maintenance.

3.The trial Court after considering the submissions made on either side, passed an order directing the respondent to pay maintenance of Rs.5,000/- per month. Challenging the said order, the present revision petition has been filed by the husband.

4.The learned counsel for the revision petitioner submits that already proceedings have been initiated by the wife before the Judicial Magistrate, Uthamapalayam in which a sum of Rs.2,000/- has been directed to be paid. According to the petitioner, he is regularly paying the said maintenance amount. Therefore, demand of another sum of Rs.5,000/- would cause him great difficulty.

5.Per contra, the learned counsel appearing for the respondent/wife had contended that the award of maintenance before the Criminal Court in M.C.No.21 of 2005 cannot be taken into consideration



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at the time of passing of the interim maintenance in the present HMOP.

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6.Heard the learned counsel appearing on either side and perused the material records.

7.Considering the fact that the husband is already paying a sum of Rs.2,000/- pursuant to the order of the Criminal Court, this Court finds that it would be in the interest of justice to reduce the interim alimony from Rs.5,000/- to Rs.3,000/-.

8.In view of the above said facts, the order dated 11.10.2014 made in I.A.No.25 of 2013 is hereby partly set aside to the extent that the interim maintenance is reduced from Rs.5,000/- to 3,000/-. In respect of other aspects, the order passed in the said I.A. stands confirmed. The petitioner is directed to pay Rs.2,000/- arising out of the order in the Criminal Court and another sum of Rs.3,000/- arising out of the order made in the present revision petition pending disposal of HMOP.No.117 of 2012.

9.Since HMOP is of the year 2012, the learned Subordinate



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Judge, Uthamapalayam is directed to dispose of the petition on or before 31.12.2023.

10. With the above observations, this Civil Revision Petition is partly allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2023.

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

To

1. The Subordinate Judge, Uthamapalayam
2. The Judicial Magistrate, Uthamapalayam
3. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

msa

order made in
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