



C.R.P.(MD)No.2713 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2713 of 2023

Kamalnath

... Petitioner/
Petitioner/
Appellant

Vs.

Bakirathi

... Respondent/
Respondent/
Respondent

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 30.03.2023 passed in I.A.No.08 of 2023 in UF.CMA on the file of the learned Principal District Court, Thanjavur by allowing this Revision Petition.

For Petitioner : Mr.G.Ramanathan

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.08 of 2023 in Unnumbered CMA dated 30.03.2023 directing the revision petitioner to pay Rs.40,000/- of the arrears amount.



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2. It is seen from the records that the revision petitioner has filed a petition in H.M.O.P.No.266 of 2017 claiming divorce and that the respondent has also filed an application claiming maintenance in I.A.No. 69 of 2019 in H.M.O.P.No.266 of 2017 and the learned Additional Subordinate Judge, Thanjavur, after conducting an enquiry, has passed an order dated 08.07.2022 directing the revision petitioner to pay Rs.10,000/- to the respondent on or before 5th day of every English calendar month from August 2022. The revision petitioner, aggrieved by the said order, has preferred an appeal before the Principal District Court, Thanjavur along with an application to condone the delay of 83 days in preferring the appeal. The learned Principal District Judge, after enquiry, has passed a conditional order dated 30.03.2023 directing the revision petitioner to pay an amount of Rs.40,000/- towards part arrears amount of maintenance to the respondent on or before 10.04.2023, failing which, the petition shall stand dismissed. Aggrieved by the order imposing payment, the present revision came to be filed.

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner has filed the appeal challenging the quantum of amount awarded by the Subordinate Court, but the learned



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Principal District Judge, without considering the same, has directed the revision petitioner to pay an amount of Rs.40,000/-.

4. As already pointed out, the learned Additional Subordinate Judge has directed the revision petitioner to pay the maintenance amount of Rs.10,000/- from August 2022, but the learned Principal District Judge has directed the revision petitioner to pay only Rs.40,000/- being the 50% of the arrears amount pending at that time. Considering the above, the impugned order in I.A.No.08 of 2023 in UF HM CMA passed by the learned Principal District Judge, Thanjavur cannot be found fault with.

5. In the result, this Civil Revision Petition is dismissed. However, at the request of the learned counsel appearing for the revision petitioner, the revision petitioner is directed to pay the amount of Rs.40,000/- to the respondent as directed by the learned Principal District Judge, Thanjavur on or before 14.11.2023, failing which, the petition in I.A.No.08 of 2023 in UF HM CMA shall stand dismissed. No costs.

19.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
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K.MURALI SHANKAR,J.

csn

To

1. The Principal District Court,
Thanjavur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2713 of 2023

Dated : 19.10.2023