



C.R.P(MD)No.2409 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.2409 of 2022

and

C.M.P(MD)No.11657 of 2022

Muthukrishnan

... Petitioner/Respondent/
Petitioner

Vs.

Selvarani

...Respondent/Petitioner/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.22 of 2022 in H.M.O.P.No.103 of 2022, dated 28.09.2022 on the file of the Sub Court, Oddanchatram.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.D.Venkatesh

ORDER

The petitioner has filed the present Civil Revision Petition against the interim order passed by the Sub Court, Oddanchatram on 28.09.2022 in I.A.No.22 of 2022 in H.M.O.P.No.103 of 2022.



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2. I.A.No.22 of 2022 in H.M.O.P.No.103 of 2022 was filed by the respondent for interim maintenance under Sections 24 and 25 of the Hindu Marriage Act, 1955. By the impugned order, the Family Court has awarded a sum of Rs.17,000/- as maintenance to the first respondent and sum of Rs.8,000/- for the minor child.

3. The petitioner is aggrieved by the amount awarded to the respondent alone. It is submitted that the respondent is employed and working as a Teacher in Agaram Public School and has an independent income. This fact was suppressed according to the petitioner. That apart, it is submitted that the petitioner has income from her ancestral property and therefore, there is no justification in awarding Rs.17,000/- towards interim maintenance to the respondent.

4. The learned counsel for the respondent on the other hand submits that there are no records to substantiate that the respondent is working in Agaram Public School. That apart, it is submitted that the amount that has been awarded for the interim maintenance of the petitioner is reasonable. It is submitted that the impugned order does not



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require any interference and prayed for dismissal of the present civil revision petition.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents.

6. The petitioner and the respondent got married on 05.03.2017 and a child was born to them immediately on the following year on 05.03.2018. The respondent is living with her parents and taking care of the minor child. The petitioner has filed H.M.O.P.No.103 of 2022 to dissolve the marriage between them. While granting interim maintenance, the Court has to only consider the status of the parties. The Court has to merely examine the parties whether seeking maintenance has no independent income sufficient for him or her to support independently.

7. In my view, the impugned order passed by the Sub Court, Oddanchatram in I.A.No.22 of 2022 in H.M.O.P.No.103 of 2022 does not call for any interference. However, considering the fact that both the parties have been away from each other for the last 2 years and



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considering the fact that the parties are blessed with a minor child born on 05.03.2018, before proceeding further with H.M.O.P.No.103 of 2022, to mediate the dispute through trained mediators. The petitioner continue to pay the amount awarded by the Sub Court, Oddanchatram. The Sub Court, Oddanchatram shall dispose of the H.M.O.P.No.103 of 2022 as expeditiously as possible preferably within a period of 15 months from the date of receipt of copy of this order.

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

03.04.2023

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

- 1.The Sub Court,
Oddanchatram
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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