



CRP.(MD).No.2276 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP.(MD).No.2276 of 2019

and

C.M.P.(MD).No.11947 of 2019

B.Rajeev

...Petitioner

Vs.

Uma Maheswari

...Respondent

PRAYER: This Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order passed in I.A.No.154 of 2018 in H.M.O.P.No.01 of 2018 dated 19.08.2019 on the file of the Subordinate Court, Ambasamudram.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.R.J.Karthick

ORDER

This Civil Revision Petition is filed against the order dated 19.08.2019 passed in I.A.No.154 of 2018 in H.M.O.P.No.01 of 2018 on the file of the Subordinate Court, Ambasamudram, directing the revision petitioner / husband to pay an interim maintenance of a sum of Rs.8,000/-



CRP.(MD).No.2276 of 2019

(Rupees Eight Thousand only) per month and the litigation expenses to the tune of Rs.10,000/- (Rupees Ten Thousand only) to the respondent / wife.

2. Heard the learned counsel on either side.

3. At the time of admission of the above Civil Revision Petition, this Court granted an interim order directing the revision petitioner / husband to pay the litigation expenses of Rs.10,000/- (Rupees Ten Thousand only) and to pay Rs.6,000/- (Rupees Six Thousand only) every month as an interim maintenance, till the disposal of the Civil Revision Petition. Further direction was also given to pay 75% of the arrears calculated at the rate of Rs.6,000/- (Rupees Six Thousand only) per month by the Subordinate Court, Ambasamudram.

4. The learned counsel appearing for the revision petitioner submits that all these conditions have been complied with by the revision petitioner and the revision petitioner continues to pay a sum of Rs.6,000/- (Rupees Six Thousand only) every month. However, the learned counsel appearing for the respondent, on instructions, states that, there is some default in complying with the interim orders of this Court.



CRP.(MD).No.2276 of 2019

5. Be that as it may, I have perused the order of the Subordinate Court and I am of the view that the interim order passed by this Court can be given effect and the order of the Subordinate Court will stand modify partially, so that, the parties can go before the Subordinate Court and try the main proceedings itself. Pending the outcome of the HMOP before the Subordinate Court, the revision petitioner shall continue to pay a sum of Rs.6,000/- (Rupees Six Thousand only) every month without default. A necessary memo of calculation shall be served by the learned counsel for the respondent / wife on the learned counsel for the petitioner / husband before the Subordinate Court and on such memo being served, the arrears, if any due and payable by the revision petitioner shall be cleared within a period of two (2) weeks from the date of receipt of the memo, without seeking any further extension of time. That apart, the revision petitioner shall continue to pay a sum of Rs.6,000/- (Rupees Six Thousand only) every month without default as interim maintenance till the disposal of the HMOP. Considering that HMOP is of the year 2018, the Subordinate Court shall give preference and dispose of the said HMOP and at any rate, the learned Subordinate Judge, Ambasamudram, is directed to dispose of the same on or before 30th June, 2024.



CRP.(MD).No.2276 of 2019

WEB COPY

6. This Civil Revision Petition is partly allowed with the above observations and directions. No costs. Consequently, the connected miscellaneous petition is closed.

31.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

tsg

To

1.The Subordinate Court, Ambasamudram.

2.The Record Keeper,

Madurai Bench of Madras High Court,

Madurai.



WEB COPY



CRP.(MD).No.2276 of 2019

P.B.BALAJI,J.

tsg

CRP.(MD).No.2276 of 2019

31.10.2023