



C.R.P.No.1207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1207 of 2024
and C.M.P.No.6248 of 2024

R.Subayadav

... Petitioner

Vs.

A.Mayakannan

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed by the learned Subordinate Judge, Poonamallee in I.A.No.1 of 2022 in H.M.O.P.No.426 of 2018 dated 05.09.2023.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.A.Balakumar

ORDER

The petitioner, estranged wife of the respondent filed a divorce petition in H.M.O.P.No.426 of 2018 before the learned Subordinate Judge, Poonamallee, on the ground of cruelty. Thereafter, the petitioner filed I.A.No.1 of 2022 seeking interim maintenance of Rs.30,000/- per month. The Lower Court by order dated 05.09.2023 dismissed the interim



maintenance petition. Against which, the present civil revision petition is filed.

2.The contention of the learned counsel for the petitioner is that the petitioner has no job, she is unable to maintain herself with any source of income and she is being taken care of by her father, who is retired from service. He would submit that the petitioner's parents are aged, they got health related ailments and they have to take care of themselves with the meagre income. He would further submit that the respondent is employed in a Government School earning around Rs.1 lakh per month, he has accumulated savings to the huge amount and he owns substantial ancestral property in his native Village. The Trial Court had given a finding that the divorce petition is filed in the year 2018 and four years thereafter interim maintenance petition is filed and earlier, this Court in C.R.P.(PD).No.1055 of 2022 directed the Trial Court to dispose of the main case within a period of four months, which got expired on 27.10.2022 and due to the non-cooperative attitude of the petitioner, the trial could not be completed and for this reason, the Trial Court dismissed the interim maintenance petition, which is not proper. He further submitted that the petitioner was forced to



attend the classes and appear for examination which she did but unable to get selected, for this reason the petitioner was put under constant harassment and subjected to cruelty. There was no conducive atmosphere for the petitioner to reside with the respondent, she was chased out from the matrimonial home and with great difficulty, she pursued the case before the Lower Court and for her subsistence, she needs maintenance, but the reason given by the Lower Court in dismissing the petition is not proper.

3.The learned counsel for the respondent submitted that the petitioner and the respondent got married on 26.05.2014, after the marriage the petitioner was residing in a joint family with the respondent. Thereafter, she wanted the respondent to set up an independent family in Chennai and the respondent obtained transfer and came to Chennai but the petitioner not satisfied. Thereafter, the respondent got transferred to Madurai, the petitioner lived there, where the respondent joined her in a coaching centre to compete for the examination but since the petitioner showed no interest in pursuing her career and under the influence of her parents and family members, making false allegation against the respondent and filed a divorce petition on the ground of cruelty in the year 2018. The petitioner left the



matrimonial home in the year 2016 and now after five years, she filed the present petition just to cause harassment to the respondent. He further submitted that the respondent earlier approached this Court in C.R.P.(PD).No.1055 of 2022 and this Court directed to dispose of H.M.O.P.No.426 of 2018 within a period of four months from the date of receipt of a copy of the order, the petitioner not co-operating to complete the trial and prolonging the trial. He fairly submitted that the respondent is ready and willing to pay Rs.20,000/- per month to the petitioner without prejudice to his rights in the divorce proceedings or any other collateral proceedings. He further submitted that the petitioner may be directed to co-operate with the Trial Court and to complete the trial as expeditiously as possible.

4.Considering the submissions made and on perusal of the materials, without going into the allegations and counter allegations made against each other the respondent is directed to pay interim maintenance of Rs.20,000/- per month to the petitioner without prejudice to the rights of the respondent in the divorce proceedings or any other collateral and consequential proceedings. The payment of interim maintenance of Rs.20,000/- per month



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shall commence from the date of order in I.A.No.1 of 2022 in H.M.O.P.No.426 of 2018, i.e., 05.09.2023. Further, the learned Subordinate Judge, Poonamallee is directed to complete the trial in H.M.O.P.No.426 of 2018 without delay, preferably within a period of four months from the date of receipt of a copy of this order. The petitioner is directed to co-operate with the Trial Court to complete the trial in H.M.O.P.No.426 of 2018.

5.Accordingly, the civil revision petition stands disposed of. No costs. consequently, connected miscellaneous petition is closed.

22.04.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The Subordinate Judge,
Poonamallee.



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M.NIRMAL KUMAR, J.

cse

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