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C.R.P.(PD).No.1483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.1483 of 2024 &
C.M.P.No.7975 of 2024

S.Kamalanathan @ Philip ... Petitioner
-Versus-
E.Vimala @ Megthalin ... Respondent

Civil Revision Petition under Article 227 of the Constitution of India against the fair and decretal order passed in I.A.No.1 of 2023 in I.D.O.P.No.843 of 2021 dated 18.01.2024 on the file of the Principal District Judge, Thiruvallur.

For Petitioner : Ms.S.Pavithrashini

ORDER

This civil revision petition arises against an order granting interim maintenance for the wife and child amounting to Rs.15,000/- per month.

2. The wife claimed Rs.25,000/- towards interim maintenance, Rs.75,000/- towards annual medical and annual dress expenses and Rs.75,000/- towards litigation expenses.

3. Taking into consideration the income of the husband, the court came



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to the conclusion that Rs.15,000/- for the monthly maintenance of the petitioner and her child and Rs.10,000/- towards litigation expenses, which is of course a one-time payment, would be just and reasonable.

4. Learned counsel for the petitioner seeks to revise this order. The order is a discretionary order made after taking into consideration the affidavit of the assets and liabilities filed by the husband. The husband did not enter the witness box to depose as regards the limitation of his income. Therefore, on the basis of the available records, the court has passed this order. It has already been pointed out that this order is only applicable till the disposal of IDOP.No.843 of 2021. Being a discretionary order, which does not reek of arbitrariness, I am not inclined to revise the order.

5. However, as the husband has expressed his difficulties in paying this amount if the litigation is prolonged, I am inclined to give a direction to the learned Principal District Judge at Thiruvallur to grant priority to the case and dispose it of within a period of nine months from the date of receipt of a copy of this Order.

6. With the above direction, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order

To

The Principal District Judge, Thiruvallur.



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V.LAKSHMINARAYANAN, J.

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