



C.R.P.No.2672 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2672 of 2024
and
C.M.P.No.14059 of 2024

M.Sukumaran

... Petitioner

Vs.

O.Nandhini

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the decree and judgment passed in I.A.No.34 of 2021 in O.P.No.114 of 2019 dated 01.11.2022 on the file of the Subordinate Judge, Arakkonam.

For Petitioner : Ms.Khalidha

For Respondent : Mr.V.Saranraj
for M/s.Eswar Kumar and Rao Law Firm



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C.R.P.No.2672 of 2024

ORDER

This civil revision petition is filed to set aside the decree and judgment passed in I.A.No.34 of 2021 in O.P.No.114 of 2019 dated 01.11.2022 on the file of the learned Subordinate Judge, Arakkonam.

2.The contention of the learned counsel for the petitioner submit that the respondent/wife filed a petition seeking divorce in O.P.No.114 of 2019 before the Subordinate Court, Arakkonam. Thereafter, the respondent filed I.A.No.34 of 2021 in O.P.No.114 of 2019 seeking maintenance with false allegations. The Lower Court by order dated 01.11.2022 allowed the petition and directed the petitioner to pay a sum of Rs.8,000/- per month from the date of the petition till the date of order along with litigation expenses of Rs.10,000/- within two months to the respondent. Aggrieved against the same, the petitioner filed this petition. It is further submitted that the Lower Court failed to take into consideration that the respondent possess a post-graduate degree and she left the matrimonial home on her own volition. Further, the Lower Court failed to consider that the petitioner with



C.R.P.No.2672 of 2024

his meagre income has to take care of his elderly parents and he has got other commitments. Hence, he prayed for setting aside the order passed by the Lower Court.

3.The learned counsel for the respondent/wife submitted that the petitioner is working in Central Industrial Security Force, Ministry of Home Affairs, Government of India and getting a decent salary. He would submit that the respondent is residing under the mercy of her parents and the petitioner failed to take care of the petitioner. Hence, prays for dismissal of this petition.

4.Considering the submissions made and on perusal of the materials, it is seen that the petitioner is working in Central Industrial Security Force and the petitioner being a single lady residing with her aged parents and she has no income on her own. The interim maintenance appears reasonable and no materials produced to show it is otherwise. Hence, this Court is not inclined to interfere with the order passed by the Lower Court. However, the learned Subordinate Judge, Arakkonam is directed to complete the



C.R.P.No.2672 of 2024

proceedings in O.P.No.114 of 2019 within a period of four months from the date of receipt of a copy of this order.

5. In the result, the civil revision petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

30.07.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

cse

To

The Subordinate Judge,
Arakkonam.



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C.R.P.No.2672 of 2024

M.NIRMAL KUMAR, J.

cse

C.R.P.No.2672 of 2024

30.07.2024