



C.R.P(MD)No.82 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

C.R.P(MD)No.82 of 2024
and C.M.P. (MD) No.402 of 2024

Chandrakumar ...Petitioner/Respondent/Petitioner

Vs.

Shyalaja ...Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 12.04.2023 in I.A.No.1 of 2022 in H.M.O.P.No.09 of 2022 on the file of the Sub Court, Thoothukudi.

For Petitioner : Mr.P.Edin Brough



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matrimonial life and she is frequently affected by fits and even though proper care was taken by him in giving treatment, it was not cured. In the meantime, he went abroad to attend his job and the petitioner was staying with her parents. Since the wife is not willing for re-union, she is not entitled for any interim maintenance.

4. On the side of the petitioner/husband three documents were marked and on the side of the respondent/wife no document was marked.

5. Finding that the revision petitioner is attending his work in Singapore and the respondent is without any personal income, interim order was passed.

6. In the grounds it is simply stated that only because of the physical condition of the respondent, the marriage did not consummate. So being a wrong person, she is not entitled for any maintenance. Apart from this, it is also stated that the petitioner was



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also spending huge money for the medical treatment.

7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. This Court could not understand the reason for refusing to pay even bare minimum maintenance amount to the respondent. At what point the matrimonial dispute arose between them is matter for consideration by the trial court. When the petitioner admits that he is in abroad, it is his duty to maintain the wife since she is living in her parental home without any income. As a dutiful husband, he ought to have arranged proper maintenance and having failed to arrange the maintenance now he is turning upon the respondent and telling that only because of her physical condition only the matrimonial dispute arose between them and therefore, she is not entitled for maintenance. That cannot be a reason for refusal of maintenance.

9. Considering the job nature of the revision petitioner and



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considering the fact that only a meagre amount was ordered by the trial court, which appears to be not excessive the order of maintenance passed by the trial court requires no interference by this Court.

10. In fine, this petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.01.2024

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

1. The Sub Court, Thoothukudi.

2. The Section Officer,
V.R. Section, Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J.

CM

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