



CRP(MD).No.124 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.124 of 2024 and
CMP(MD).No.558 of 2024

Sivaprakash : Petitioner / respondent
Vs.

Lavanya : Respondent / respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A.No.4 of 2023 in HMOP.No.145 of 2022 on the file of the Sub Court, Devakkottai, Sivagangai District and set aside the order, dated 16.11.2023.

For Petitioner : Mr.C.Suresh Kannan
For respondent : No appearance

ORDER

This Civil Revision Petition has been filed to call for the records in I.A.No.4 of 2023 in HMOP.No.145 of 2022 on the file of the Sub Court, Devakkottai, Sivagangai District and set aside the order, dated 16.11.2023.



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2. The marriage between the petitioner / husband and the respondent / wife was solemnized on 11.05.2014 as per Hindu Rites and Customs. Out of the wedlock, two children were born. Thereafter, due to matrimonial discord, both the petitioner and the respondent are living separately. In such circumstances, the respondent herein has filed a petition in HMOP.No.65 of 2017 before the Sub Court, Devakkottai and the same was transferred to Family Court, Coimbatore and re-numbered as HMOP.No.291 of 2018. The petitioner herein has also filed a petition in HMOP.No.145 of 2022 on the file of the Sub Court, Devakkottai for divorce. Pending said HMOP.No.145 of 2022, the respondent / wife has filed an application for interim maintenance in I.A.No.4 of 2023 seeking interim maintenance, in which the trial Court directed the petitioner to pay a sum of Rs.15,000/- as maintenance for her and for the minor children. Against which, the present revision is preferred by the revision petitioner / husband.

3, The learned counsel appearing for the revision petitioner would submit that the respondent / wife is employed in a private auditor office at Coimbatore and having considerable income to maintain her. Without considering the same, the trial Court has erroneously directed the



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petitioner to pay a sum of Rs.15,000/- per month as maintenance for her and for the minor children by its order, dated 16.11.2023 in I.A.No.04 of 2023, which calls for interference by this Court. He would further submit that the petitioner herein has already deposited a sum of Rs.30,000/- before the trial Court at the time of admitting this civil Revision Petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on the respondent and her name is shown in the cause list, the respondent failed to appear.

5. On perusal of the records it is seen that, the trial Court has ordered a sum of Rs.15,000/- per month as maintenance for the respondent / wife and for her children and Rs.10,000/- for litigation expenses. However, no documentary evidence was produced on the side of the respondent / wife before the trial Court to establish that the petitioner is earning a sum of Rs.45,000/- per month. Likewise, the petitioner also failed to produce any documentary evidence to establish that the respondent / wife is working in a private auditor office and earning a sum of Rs.40,000/- per month.



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6. Considering the facts and circumstances of the case, this

Court is inclined to direct the petitioner to pay a sum of Rs.12,000/- per month as maintenance to the respondent / wife and for the children from the date of petition till the date of deposit and also to pay a sum of Rs.10,000/- for litigation expenses. The said maintenance amount to be paid to the respondent on before 10th day every English Calender month. Further, the petitioner is directed to deposit the arrears of maintenance in two installments, after deducting the amount already deposited, within a period of three months from the date of receipt of a copy of this order. Since the HMOP is of the year 2022, the concerned Court is directed to dispose of the same, within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is disposed of.

No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes/ No
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To

The Sub Court, Devakkottai, Sivagangai District



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K. GOVINDARAJAN THILAKAVADI, J.,

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