



C.R.P. (MD) No. 1373 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1373 of 2024
and
C.M.P. (MD) No.8039 of 2024

V.Mano

... Petitioner/
Petitioner

-VS-

Ram Preetha

... Respondents/
Petitioners

PRAYER: Civil Revision Petition filed under Section 225 of the Constitution of India, to set aside the order passed by the learned Subordinate Judge, Usilampatti dated 09.10.2023 in I.A.No.5 of 2023 in H.M.O.P.No.21 of 2022.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.R.Manoharan



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ORDER

The Civil Revision Petition is filed challenging the order of the learned Subordinate Judge, Usilampatti, made in I.A.No.5 of 2023 in H.M.O.P.No.21 of 2022 dated 09.10.2023. The petitioner has filed the present application for visitation of the minor child. The same is allowed by the Trial Court, however on condition to clear the maintenance arrears.

2. Mr.V.Sukumar, the learned Counsel for the petitioner appearing on behalf of the petitioner would submit that even as against the maintenance order, a civil revision petition is filed, however the same is yet to be numbered.

3. That may be so, if the maintenance is reduced by this Court, then even on payment of the reduced maintenance the petitioner will be entitled for visitation. Even if the maintenance is cancelled by this Court, without payment of any amount the petitioner can visit the child. Therefore, merely because the petitioner is going to file the civil revision petition as against the maintenance order, cannot be a ground for attacking the present order. When the petition is allowed, that too, on condition only to pay maintenance, no exception can be



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taken for the said order passed by the Trial Court. Accordingly, by making an observation that the order of the Trial Court will be subject to the final orders that may be passed in the maintenance petition and giving liberty to the petitioner to raise all his contentions regarding the graving of maintenance, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : No
NCC : No

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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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