



C.R.P.(MD)Nos.693 & 704 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.693 & 704 of 2024
and
C.M.P.(MD)Nos.3534 & 3667 of 2024

In C.R.P.(MD)No.693 of 2024

D.Dinesh Kumar

... Petitioner / Petitioner / Petitioner

Vs.

Ramya

... Respondent / Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 20.11.2023 passed in I.A.No.2 of 2023 in H.M.O.P.No.98 of 2019 before the Subordinate Judge at Valliyoor by allowing the civil revision petition.

In C.R.P.(MD)No.704 of 2024

D.Dinesh Kumar

... Petitioner / Respondent / Petitioner

Vs.

Ramya

... Respondent / Petitioner / Respondent



C.R.P.(MD)Nos.693 & 704 of 2024

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.11.2023 passed in I.A.No.1 of 2023 in H.M.O.P.No.98 of 2019 before the Subordinate Judge at Valliyoor by allowing the civil revision petition.

For Petitioner : Mr.G.Aravinthan

For Respondent : Mr.V.Sasikumar
(in both C.R.Ps)

COMMON ORDER

The petitioner in H.M.O.P.No.98 of 2019 on the file of the Sub Court, Valliyor is the petitioner in both these civil revision petitions. He filed the said HMOP seeking dissolution of his marriage with the respondent herein. The petitioner filed I.A.No.2 of 2023 for adding the ground of desertion. The said IA was dismissed vide order dated 20.11.2023. The respondent herein filed I.A.No.1 of 2023 seeking interim maintenance and litigation expenses. The court below vide order dated 20.11.2023 directed the petitioner herein to pay a sum of Rs.7,500/- per month + Rs.10,000/- towards litigation expenses. Challenging both the orders, these civil revision petitions have been filed.

2. It is true that H.M.O.P was filed way back in the year 2019. The petitioner was examined as P.W.1 on 03.03.2023. After his examination was



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partly over, I.A.No.2 of 2023 came to be filed seeking amendment. It is true that the application appears to have been belatedly filed. But the petitioner does not seek any major overhaul of the pleadings. He wants relief in the main HMOP on one more ground. In fact, the ground of desertion pleaded by the petitioner herein is linked to the ground of cruelty already taken by him in H.M.O.P. I am of the view that no major amendment is sought. The character of the proceedings is also not altered. No prejudice will be caused to the respondent by permitting the petitioner to amend the petition by adding the ground of desertion.

3. In this view of the matter, the order dated 20.11.2023 made in I.A.No.2 of 2023 in H.M.O.P.No.98 of 2019 is set aside. **C.R.P.(MD)No.693 of 2024 is allowed.**

4. As regards the interim maintenance awarded against him, the learned counsel for the petitioner on instructions states that the learned Sub Court, Valliyoor vide order dated 26.05.2023 in D.V.C.No.17 of 2021 had already directed the petitioner to pay a sum of Rs.7,500/- per month. This amount is of-course payable from the date of filing of the D.V.C petition. The learned counsel states that the petitioner will abide by the order passed in H.M.O.P 98



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of 2019 provided the said payment can be adjusted against the relief awarded in

D.V.C proceedings. This request of the petitioner appears to be reasonable.

The petitioner is therefore directed to pay a sum of Rs.7,500/- per month as interim maintenance. The liability to make this payment will arise from the date of filing of DVC petition ie., 14.09.2021. Upon the petitioner making payment as undertaken above, the order made in D.V.C.No.17 of 2021 will not be enforced against the petitioner. The payment of cost as well as the award of litigation expenses is upheld. **C.R.P.(MD)No.704 of 2024 is disposed of accordingly.** No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2024

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

The Subordinate Judge at Valliyoor.



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G.R.SWAMINATHAN, J.

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