



Rev. Aplc.(MD)No.134 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Rev. Aplc.(MD)No.134 of 2024

C.M.P.(MD)No.15390 of 2024

Gopinath

... Review Petitioner/Petitioner

Vs.

Seema

... Respondent/Respondent

PRAYER in Rev. Aplc.(MD)No.134 of 2024: Review application is filed under Order 47 Rule 1 & 2 r/w Section 114 of C.P.C., review the final order passed in C.R.P.(MD).No.1801 of 2023, dated 13.02.2024.

PRAYER in C.R.P.(MD).No.1801 of 2023: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order in I.A.No.40 of 2021 in H.M.O.P.NO.84 of 2019, dated 03.01.2023, passed by the Learned Subordinate Judge, Melur.

For Petitioners : Mr.SMA.Jinnah

For Respondent : Mr.S.Poorna Chandran



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ORDER

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This application has been filed to review the final order passed in C.R.P.(MD).No.1801 of 2023, dated 13.02.2024.

2.The facts in brief:

H.M.O.P.No.84 of 2019 was filed by the petitioner herein seeking the relief of divorce before the Sub Court, Melur, on the ground of cruelty, desertion, etc. The respondent herein, who is the wife filed the counter. Pending the further process, I.A.No.40 of 2021 was taken out by the wife under Section 24 of the Hindu Marriage Act, seeking maintenance amount of Rs.46,530/- and Rs.20,000/- per month for the maintenance of the children from the date of petition. That was filed on 11.03.2020.

3.That was resisted by the petitioner herein, by filing counter. The trial Court by the order, dated 03.01.2023, allowed the petition fixing the monthly maintenance amount of Rs.16,000/- per month for the child. So far as the wife is concerned there is some confusion in the order. In para No.25, the husband was directed to pay Rs.60,000/- per month to the



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wife. But in the operative portion, it is omitted. It is for the wife to work out her remedy.

4. Against the above said order the main revision is preferred by the revision petitioner. When the matter was taken up for admission on 08.08.2023, the co-ordinate Bench of this Court directed the petitioner herein to pay the interim maintenance amount at the rate of Rs.10,000/- per month from the date of filing of the HMOP within a period of two months and directed him to continue to pay the interim maintenance at the rate of Rs.10,000/- per month on or before 10th of every English Calendar month to meet out the expenses of the child. On that ground interim stay was granted and periodically the matter was adjourned and finally on 24.01.2024, the revision petitioner has submitted that as per the direction of this Court, he deposited 50% of the arrear amount. It was disputed by the respondent herein.

5. Therefore, a report was called for from the trial Court and finally on 13.02.2024, the revision was dismissed for default, since the report received from the Sub Judge, Melur, has shown that no such deposit was



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made as directed by this Court. Now, against the above said order, this review application has been filed, on the ground that on 12.03.2024, for Rs.3.60 lakhs Demand Draft was taken in favour of the respondent herein and another Rs.2.32 lakh in favour of the respondent, dated 08.04.2024 was produced before this Court. So it is seen that only after the disposal of the main revision petition, these two Demand Drafts have been taken in the name of the respondent.

6.The respondent's counsel is present before this Court and admitted that he received the above said two Demand Drafts.

7.In stead of filing the petition for restore the main Civil Revision Petition, now this review petition has been filed. It may not be proper. However, since the main revision petition was dismissed due to the non compliance of the conditional order, I am of the considered view that in view of the latter development, the order passed by this Court in dismissing the same is hereby reviewed. This application stands **allowed** and order of dismissal passed on 13.02.2024 passed in the above said civil revision petition is hereby **recalled** and the main civil revision



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petition is restored to the file and Registry is directed to list the main civil revision petition before the concerned Roster Judge for hearing the matter on merits.

28.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Subordinate Judge, Melur.
- 2.The Section Officer, E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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